YELLOWSTONE
NATIONAL PARK

Ron & Jane Lerner Collection
BRIGHAM YOUNG UNIVERSITY

p 1291 Supt Rept 1883

THE

EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FIFTIETH CONGRESS.

1887-'88.

IN THIRTY-TWO VOLUMES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1889

REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 21, 1887.

SIR: My third annual report, which is hereby submitted, gives substantial evidence of continued progress on the part of the Indians toward civilization. This is gratifying to every American patriot and to the humanitarian of any clime or country. The progress shows itself all along the line, in increased knowledge and experience as to the arts of agriculture, in enlarged facilities for stock-growing, in better buildings and better home appointments, and in the adoption of the dress and customs of the white man. Even higher evidence of progress is given in the largely increased attendance of pupils at school, which has been greater during the past year than during any preceding year, and in the still more gratifying fact, admitted by all intelligent and close observers of Indians, that the parents desire that their children shall avail themselves of the generous opportunities for education afforded by the Government, and by kind-hearted Christian missionaries who unselfishly devote time, labor, and money to the education of Indian youth. These evidences of improvement will be treated in their proper order in the progress of this report.

ESTIMATES.

The following table shows that the estimates of appropriations required for the Indian service have been made on a descending scale for the last three years:

	Amount of estimate.	Decrease from preceding year.
Estimate for the year ending June 30, 1886	$7,328,049.64	
June 30, 1887	6,051,259.84	$1,276,789.80
June 30, 1888	5,608,873.64	442,386.20
June 30, 1889	5,488,897.66	119,975.98

This total decrease of nearly $120,000 in the estimate for the fiscal year 1889 is made in the face of a very considerable increase in some of its items; such increase, amounting to nearly $200,000, being found mainly in the items of support of schools, surveys and allotments, additional farmers, and transportation of goods and supplies. The necessity for increasing the transportation item is the immediate result of the interstate commerce law. It is gratifying to know that the cost of the Indian service is diminishing, notwithstanding the fact that a much larger number of children are being cared for in schools than ever before, and that the expenses incident to the execution of the allotment act are necessarily heavy.

ALLOTMENT OF LAND IN SEVERALTY.

The general allotment act, the plan of which was first suggested in the annual report of this office for 1878, became a law on the 8th of February last. I have deemed it a matter of public interest and convenient reference to submit in this report not only the full text of the act, which will be found on page 274, but also an abstract of its provisions, which are as follows:

The President may, in his discretion, have any Indian reservation or any part thereof surveyed or resurveyed, and the lands of such reservation allotted in severalty to any Indian located thereon.

The size of the allotments shall be: to each head of a family, one-quarter of a section; to each single person over eighteen and each orphan under eighteen years of age, one-eighth of a section; to each other single person born prior to the date of the Presidential order directing an allotment of lands upon the reserve, one-sixteenth of a section.

If the reserve is too small to allow the giving of allotments as above, the size of allotments shall be reduced pro rata. If any treaty or act has provided for larger allotments on any reservation, the provisions of such treaty or act shall be observed. If the lands allotted are valuable only for grazing, the size of the allotments shall be doubled. If irrigation is necessary, the Secretary of the Interior may prescribe rules for a just distribution among the Indians of the water supply.

Selections of allotments shall be made by Indians, heads of families selecting for their minor children, but agents shall select for orphans. The lands selected shall embrace the improvements made thereon by the respective Indians.

If on one legal subdivision of land two or more Indians have made improvements the tract may be divided between them and a further assignment of lands be made to them to complete the amount to which each is entitled.

If within four years after the President shall have directed allotments on a reservation any Indian belonging thereto shall have failed

to make his selection, the agent, or if there is none a special agent, may make the selection for such Indian, and the tract so selected shall be allotted to him.

Allotments shall be made by the agents in charge of the respective reservations, and also by special agents appointed by the President for the purpose, according to rules which the Secretary of the Interior may prescribe, and the allotments shall be certified by the agents in duplicate, one copy for the Indian and one for the Land Office files.

Any Indian not residing on a reservation, or for whose tribe no reservation has been provided, may settle upon unappropriated Government land and have the same allotted and patented to him and his children, in quantity and manner above set forth, and entry fees therefor shall be paid by the United States.

When the Secretary of the Interior shall have approved the allotments made, then patents for such lands, recorded in the General Land Office, shall be issued to the respective allottees, declaring that the United States will hold said lands in trust for their sole use and benefit for twenty-five years, and at the end of that time will convey them, without charge, to said allottees or their heirs, in fee and free of all incumbrance; the President, however, may in his discretion extend the period beyond twenty-five years.

After patents have been delivered the laws of descent and partition of the State or Territory in which the lands are located shall apply to said lands; the laws of Kansas applying to lands allotted in the Indian Territory.

After lands have been allotted to all Indians of a tribe (or sooner if the President thinks best), the Secretary of the Interior may negotiate with that tribe for the sale of any of their unallotted lands, such negotiations to be subject to ratification by Congress.

In case lands are thus sold, the purchase money to be paid therefor by the United States shall be held in the United States Treasury in trust for that tribe, at 3 per cent. interest, which interest shall be subject to appropriation by Congress for the civilization of said tribe.

Any religious society or other organization now occupying, for religious or educational work among Indians, any lands to which this act applies, may be confirmed by the Secretary of the Interior in the occupation of such lands, in quantity not exceeding 160 acres in any one tract, on such terms as he shall deem just, and so long as the organization occupies the land for the above-named purposes; but this does not alter any right heretofore granted by law to any such organization.

All lands adapted to agriculture released to the United States by Indian tribes shall be disposed of only to bona fide settlers, in tracts not exceeding 160 acres (subject to grants which Congress may make in aid of education), and no patents shall issue to any such settler or his heirs for such lands until after five years' continuous occupancy thereof as a homestead, and any conveyance of or lien on said land prior to the issuance of patent thereto shall be null and void.

After receiving his patent every allottee shall have the benefit of and be subject to the civil and criminal laws of the State or Territory in which he may reside; and no Territory shall deny any Indian equal protection of law; and every Indian born in the United States who has received an allotment under this or any other law or treaty, or who has taken up his residence separate from a tribe and adopted the habits of civilized life, is declared a citizen of the United States, but citizenship shall not impair any rights he may have in tribal property.

The provisions of this act shall not extend to the Five Civilized tribes, nor the Osages, Miamis, Peorias, and Sac and Fox in the Indian Territory, nor to the Senecas in New York, nor to the strip in Nebraska added by Executive order to the Sioux reserve.

For necessary surveys or resurveys of reservations $100,000 is appropriated, to be repaid to the United States Treasury from proceeds of sales of such lands as may be acquired from Indians under the provisions of this act.

The power of Congress to grant right of way to railroads, other highways, or telegraph lines through Indian reservations is not impaired by this act.

At the threshold of this work, outlined above, is manifest the importance of selecting practical and competent special agents to go among the Indians and settle them peacefully and satisfactorily on their respective holdings. Many difficulties will necessarily arise on various reservations which will call for unwearying patience, close investigation, and the utmost prudence and discretion, in order that equal and exact justice may be given all parties concerned, and in order that in the end the work may command the confidence of the Indians themselves and the approval of the Government and the public. Therefore too great haste in the matter should be avoided, and if the work proceeds less rapidly than was expected the public must not be impatient.

There is danger that the advocates of land in severalty will expect from the measure too immediate and pronounced success. Character, habits, and antecedents can not be changed by an enactment. The distance between barbarism and civilization is too long to be passed over speedily. Idleness, improvidence, ignorance, and superstition cannot by law be transformed into industry, thrift, intelligence, and Christianity. Thus the real work yet remains to be done and can be accomplished only by persistent personal effort. In fact, the allotment act instead of being the consummation of the labors of missionaries, philanthropists, and Government agents, is rather an introduction and invitation to effort on their part, which by the fact of this new legislation may be hopeful and should be energetic. Moreover, with this new policy will arise new perplexities to be solved and new obstacles to be overcome which will tax the wisdom, patience, and courage of all interested in and working for Indian advancement.

The President has wisely ordered that allotments be made only on reservations where the Indians are known to be generally favorable to

the idea, and the following have thus far been selected: Papago and Pima (Salt river), Arizona; L'Anse and Vieux de Sert, Michigan; Lac Court d'Oreilles, Bad River, Red Cliff, and Lac du Flambeau, Wisconsin; Fond du Lac, Minnesota; Lake Traverse, Devil's Lake, Ponca, and Yankton, Dakota; Nez Percé, Idaho; Crow, Montana; Absentee Shawnee, Pottawatomie, Quapaw, Modoc, Ottawa, Shawnee, Seneca, and Wyandotte, Indian Territory; Winnebago, Nebraska; Siletz, Grande Ronde, and Warm Springs, Oregon; and Muckleshoot, Washington Territory.

The state of the surveys on several of the reservations where allotments have been authorized is such as to render it impracticable to commence the work at once, but surveys have been contracted for.

Six special agents have recently been appointed and assigned to duty, as follows: Col. James R. Howard, Crow reservation; Miss Alice C. Fletcher, Winnebago; Michael C. Connelly, Siletz; Isaiah Lightner, Lake Traverse; James R. West, Yankton; and N. S. Porter, Absentee Shawnee and Pottawatomie. The limited amount of the appropriation ($15,000) for the pay of special agents prevents the employment of such agents on reservations where otherwise the work might be prosecuted.

Since the date of the last report thirty-five patents have been issued to the Indians on the Port Madison reservation, Washington Territory, and thirty-five certificates of allotments to the Sisseton and Wahpeton Indians on the Lake Traverse reservation, Dakota.

The fourth section of the allotment act provides as follows:

> That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf, for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

In a special report, dated July 8, 1887, I had the honor to invite your attention to this particular section, and to the requirement of the law that all allotments shall be made by a special agent appointed by the President, and I suggested that, inasmuch as the Indians who will be expected to take advantage of the beneficent provisions made for them are scattered through the western States and Territories—a few here and a few there—it would be found impracticable to send a special agent into the field whenever an application should be made for an al-

lotment under said section; and that, as the presence of a special agent in the field was not absolutely required, the work could be satisfactorily accomplished in this office, by having a special agent on duty in the office by whom allotments could be made in any part of the country without expense or unnecessary loss of time, and by whom they could be certified to the Commissioner of Indian Affairs as the act requires. I therefore recommended that Mr. Charles F. Larrabee, of the Law and Land Division of this bureau, be appointed a special agent for that purpose, and accordingly, upon your concurrent recommendation, Mr. Larrabee was appointed by the President (July 8, 1887) to make the required allotments. Rules and regulations for systematic procedure in making these allotments are now being prepared, and will shortly be published in the form of a circular, to be sent to the various district land offices in the West, together with printed forms for the use of applicants for allotments, so that Indians everywhere, living outside of reservations, who desire to avail themselves of the provisions of the said fourth section, may have every possible facility for making their desires known.

It will be less difficult for an Indian to acquire title to a home under the recent act than it was under the homestead laws. The requirements are more easily fulfilled, and can be more readily understood. As might be expected, the Indian generally finds it very difficult to comprehend our land system, but under the present law the way is made much easier for him. Any friend, citizen or soldier, can direct him to the local land office; and special agents, Indian agents, inspectors, and others connected with the Indian service, who have cases constantly appealing to them, will no doubt find in this law a much more certain and satisfactory means of protection for the Indians than they have found in any of the existing laws. I think it may safely be predicted that when the system is thoroughly in operation there will be fewer cases reported of Indians having been driven from their homes through ignorance of their rights, there will be less conflict between the races, and the wisdom of Congress in making this beneficent provision will everywhere be recognized.

I fail to comprehend the full import of the allotment act if it was not the purpose of the Congress which passed it and of the Executive whose signature made it a law ultimately to dissolve all tribal relations and to place each adult Indian upon the broad platform of American citizenship. Under this act it will be noticed that whenever a tribe of Indians or any member of a tribe accepts lands in severalty the allottee at once, *ipso facto*, becomes a citizen of the United States, endowed with all the civil and political privileges and subject to all the responsibilities and duties of any other citizen of the Republic. This should be a pleasing and encouraging prospect to all Indians who by experience or education have risen to a plane above that of absolute barbarism. The Indian is not unlike his white brother in moral and intellectual endowments

and aspirations. He is proud of his manhood, and when he comes to understand the matter he will cheerfully and proudly accept the responsibilities which belong to civilized manhood. Within a very short time many Indians will be invested with American citizenship, including of course the sacred right of the elective franchise. In fact many Indians became citizens on the date of the passage of the law, for it provides that—

> Every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, *is hereby declared to be a citizen of the United States*, and is entitled to all the rights, privileges, and immunities of such citizens * * * without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

That hitherto, under tribal relations, the progress of the Indian toward civilization has been disappointingly slow is not to be wondered at. So long as tribal relations are maintained so long will individual responsibility and welfare be swallowed up in that of the whole, and the weaker, less aspiring, and more ignorant of the tribe will be the victims of the more designing, shrewd, selfish, and ambitious head-men. Any people, of whatever race or color, would differ little from our Indians under like conditions. Take the most prosperous and energetic community in the most enterprising section of our country—New England; give them their lands in common, furnish them annuities of food and clothing, send them teachers to teach their children, preachers to preach the gospel, farmers to till their lands, and physicians to heal their sick, and I predict that in a few years, a generation or two at most, their manhood would be smothered, and a race of shiftless paupers would succeed the now universally known "enterprising Yankee."

This pauperizing policy above outlined was, however, to some extent necessary at the beginning of our efforts to civilize the savage Indian. He was taken a hostile barbarian, his tomahawk red with the blood of the pioneer; he was too wild to know any of the arts of civilization. Hence some such policy had to be resorted to to settle the nomadic Indian and place him under control. The policy was a tentative one, and the whole series of experiments, expedients, and makeshifts which have marked its progress have looked toward the policy now made possible and definitely established by the allotment act. Now, as fast as any tribe becomes sufficiently civilized and can be turned loose and put upon its own footing, it should be done. Agriculture and education will gradually do this work and finally enable the Government to leave the Indian to stand alone. This policy is now being entered upon with fair prospects, and I have no doubt that the provisions of the act can be steadily executed until all the Indians are brought within its benefits, and that the outcome will be all that the friends of the measure anticipated.

Of course at the beginning it must be expected that on some of the reservations a majority of the Indians will be opposed to taking lands in severalty. They are loath to give up their savage customs, and view with suspicion any innovation upon their nomadic mode of life. They are utterly ignorant of the intent or effects of the act, and in many instances their minds are poisoned by false statements and their fears alarmed by selfish white men both on and off their reservations. But I am gratified to state that the more the severalty act is discussed among the Indians, the more they come to understand its operations, and the more they see members of their tribes accepting individual holdings and having houses erected, and farms fenced and cultivated, the more they are grounding their opposition to the act and signifying their wish to accept its provisions. Where but a few years ago only individuals could be induced to receive homesteads, now whole tribes, with scarcely an exception in the tribe, are not only willing but anxious to have allotments, while many of the more advanced and better-informed Indians hail the act as the dawn of their emancipation from the bonds of barbarism, which for centuries have held their people in an iron grasp. That there are exceptions to this even among the more civilized Indians is true, but it is undeniable that a personal and selfish motive has been found to lie at the bottom of nearly every such instance of opposition to the allotment act which has yet come to the knowledge of the Office. In the main this opposition comes from or is instigated by squaw men and half-breeds, whose chief interest in the Indian is to drive sharp bargains with him and to make money out of his ignorance, unsuspecting confidence, and characteristic liberality and hospitality.

Other forms of opposition are met with in various quarters, but now that the policy of allotments in severalty has been determined upon and adopted, and can be changed by nothing less than a revolution in popular sentiment throughout the United States, I can not understand why white citizens should continue to agitate the subject of the impropriety and injustice of this law. This agitation, so far as it has influence, is powerless for the repeal of the law, and tends only to disquiet the more ignorant class of Indians. Surely regard for the welfare of the Indian himself ought to put a stop to such agitation, even if a patriotic respect for the almost unanimous opinion of the American people has no force with these agitators.

FIVE CIVILIZED TRIBES.

The most potent element of opposition to the allotment act is found in the five civilized tribes of the Indian Territory. They are excepted and excluded from the provisions of the act, yet are busy trying to prejudice others against it, and are using their utmost endeavor to prevent whole tribes of Indians from agreeing to accept its provisions. In a recent convention, to which representatives of all tribes in the Indian Territory were invited, special effort was made to manufacture a hostile senti-

ment against the execution of this solemn law of Congress, enacted with singular unanimity of opinion among all sections and all political parties in this country. The severalty act is upon the statutes as the deliberate judgment of the people of the United States, and it is the duty of the few white people who deprecated its passage, and they are few indeed, and especially the duty of the five civilized tribes, quietly and uncomplainingly to submit to the carrying out of its provisions. For long years the Government has extended its protecting care over these people, using its Army to shield their homes from ruthless and unlawful invasion and to prevent the absolute destruction of their whole population. It has restrained the avarice of enterprising citizens, which, left unchecked, would long ago have numbered the five civilized tribes among the legends of the past, and now it learns with surprise—to express it no stronger—of their attempted interference with its settled policy toward other Indian tribes. It may fairly be asked whether this is a matter which properly concerns the five civilized tribes, and whether, if their efforts should materially hinder the cause of allotments, the American people would meekly submit to what is manifestly an insubordinate and unpardonable meddling with the affairs of the nation.

I have been pleased, however, to note among the masses of these five tribes unmistakable signs of the awakening of a favorable sentiment in the direction of the policy which the Government has adopted for its future administration of Indian affairs. In a recent election in the Creek Nation, in the platform of principles announced by one of the contending parties is the following paragraph:

> We have noticed with much concern the inclosing of large tracts of the public domain and the common pasturage by a few citizens to the exclusion of others. We condemn this practice as a species of monopoly that is in direct conflict with our system of land tenure. Every citizen, whether rich or poor, has an equal, and only an equal, interest with every other citizen in our landed estate; and is, therefore, really and actually entitled to only a pro rata share of this our common heritage. We shall therefore endeavor to have the national council enact a law regulating the size of such inclosures, pastures, and the kind of material to be used in fencing the same.

The above extract would indicate that many of these Indians regard the time as having arrived when action should be taken curtailing these large holdings of shrewd and wealthy individuals, and in fact dividing up the land equally and justly among all the members of the tribe. Some of these holdings, as set forth in my last annual report, are very large. I quoted from Agent Owen's report the following:

> The Washita valley, in the Chickasaw Nation, is almost a solid farm for 50 miles. It is cultivated by white labor largely, with Chickasaw landlords. I saw one farm there said to contain 8,000 acres, another 4,000, and many other large and handsome places.

In his report for this year Agent Owen uses similar language, as follows:

> Some citizens have gone into the farming business on a great scale, and are cultivating large tracts of land, in some cases exceeding 1,000 acres, and, in one exceptional case in the Washita valley, as high as 8,000 acres are said to be in one corn farm.

Thus it will be seen that the more enterprising among these Indians have in actual cultivation, and under fence, many times more land than their per capita share, and yet the land belongs equally to all. As stated in my report for last year:

The rich Indians who cultivate tribal lands pay no rent to the poorer and more unfortunate of their race, although they are equal owners of the soil. The rich men have too large homesteads and control many times more than their share of the land. It will not do to say, as the wealthy and influential leaders of the nations contend, that their system of laws gives to every individual member of the tribe equal facilities to be independent and equal opportunity to possess himself of a homestead. Already the rich and choice lands are appropriated by those most enterprising and self-seeking. A considerable number of Indians have in cultivation farms exceeding 1,000 acres in extent, and a still larger number are cultivating between 500 and 1,000 acres. Now, think of one Indian having a farm fenced in of 1,000 acres, with the right, according to their system (as I understand the fact to be), of adding nearly 1,000 acres more by excluding all others from the use or occupancy of a quarter of a mile in width all around the tract fenced. What a baronial estate! In theory the lands are held in common under the tribal relation, and are equally owned by each member of the tribe, but in point of fact they are simply held in the grasping hand of moneyed monopolists and powerful and influential leaders and politicians, who pay no rental to the other members of the tribe, who, under their tribal ownership in common, have equal rights with the occupants.

A case of this sort came under my personal observation on a visit to the Creek Nation in 1885. I was credibly informed that one of the Creeks had under fence over 1,000 acres, and of course, under their laws and usages, he had the right to exclude all other members of the tribe from claiming any land embraced within the limits of a quarter of a mile in width surrounding the inclosed farm of 1,000 acres, provided he made the first location. This estate was handsomely managed, with many modern methods and improvements. A costly residence stood upon it, and large, commodious barns, stables, etc., were provided. The owner cultivated this farm with laborers hired among his own race—perhaps his own kith and kin—at $16 per month, and they lived in huts and cabins on the place, without a month's provisions ahead for themselves and families. They owned, of course, their tribal interest in the land, but the proceeds of the valuable crops which were raised by their labor swelled the plethoric pockets of the proprietor. In this instance, the crops grown, in addition to large quantities of hay, consisted of 25,000 bushels of corn, fattening for market 200 head of beef cattle and 300 head of hogs. The proprietor grows annually richer, while the laborers, his own race, joint owners of the soil, even of the lands that he claims and individually appropriates, grow annually and daily poorer and less able to assert their equal ownership and tribal claim and, shall I say, constitutional privilege and treaty rights.

Now this condition of semi-slavery, shall I call it, exists in each of the five civilized nations, and grows directly out of the holding of lands in common, and is necessarily inherent in this system of tenantry.

The fact that the five civilized tribes hold their lands practically in fee-simple, although without the power of alienation except by consent of the Government, must always place the landed rights of these Indians in a different position from those of any other tribes. Without their consent the Government can not force upon them the division of their lands. But the giving of consent to such a division was contemplated years ago in their treaties. The Cherokee treaty of 1866 says:

Whenever the Cherokee National Council shall request it the Secretary of the Interior shall cause the country reserved for the Cherokees to be surveyed and allotted among them at the expense of the United States.

The treaty of the same year with the Choctaws and Chickasaws goes much further, and announces the desirability of allotments in the following words:

Whereas the land occupied by the Choctaw and Chickasaw Nations * * * is now held by the members of said nations in common; and whereas it is believed that the allotting of said land in severalty will promote the general civilization of said nations and tend to advance their permanent welfare and the best interests of their individual members, it is hereby agreed that should the Choctaw and Chickasaw people, through their respective legislative councils, agree to the survey and dividing their land on the system of the United States, &c.

Then follows in detail a complete system of regulations prescribing the methods to be pursued in making the division—surveying, plotting, giving notice, registering, entering, etc., and fixing 160 acres as the quantity of land to be assigned to each member of the two tribes.

The treaties above referred to and also the treaties with the Seminoles and Creeks all provide for the holding of a general council to be composed of delegates from each tribe in the Territory, and the Choctaw and Chickasaw treaty further provides that this general council shall elect a Delegate to Congress, whenever Congress shall authorize the admission into its body of an official who shall represent the Indian Territory.

Thus it will be seen that more than twenty years ago a Territorial form of government and the extension of the United States land system over the Indian Territory was anticipated and prepared for both by the Indians and the Government. Now that the privileges contingently provided for them have been guaranteed to nearly all other tribes in the country, it is high time that these civilized tribes in their own councils should take up the project of alloting lands and provide for carrying it into effect. If they will take the matter up now, the suggestions of progressive Indians as to the plans to be pursued in the settlement and division of the territory and the dissolving of tribal ownership, will receive ready attention from a favorably disposed public. If they refuse to take any such action they set an example to all other tribes derogatory to the influence which the Government is entitled to wield over them. Now that other tribes hitherto designated as wild tribes are about to take their lands in severalty, and are anxious to do so, it would be saying but little in behalf of the advancement made by the five civilized tribes, to represent that they are unfitted to receive allotments and to assume the responsibilities of citizens. These nations boast of possessing some of the wealthiest men in the country.

As I said last year:

These people have, in a great measure, passed from a state of barbarism and savagery. Many of them are educated. They have fine schools and churches. They are engaged in lucrative business of various kinds. In fact, so far as outward appearances go, there would seem to be very little difference between their civilization and that of the States.

The Government has defended these men and their wealth with its Army, and it has a right to assume that on their part they will fulfill

the expectations of nearly a quarter of a century ago, instead of trying to hoodwink their lower and poorer classes into belief that severalty will rob them of their lands, when in fact it will only be putting them into secure possession of that which belongs to them.

In view of the fee-simple title which these tribes hold to their lands, it would not be just for Congress to insist upon restricting these Indians to the quarter-section limitation of the allotment act. On the contrary, justice and fairness and every principle of national faith demand that these Indians be allowed to divide up their entire territory per capita—let the unit of division be greater or less. The following table, which was given in my last report, shows the number of acres which each person would receive were the division made on this basis.

Tribe.	Acres.	Population.	Acres to each individual.
Cherokees	*5,031,351	22,000	228—
Creeks	3,040,495	14,000	217—
Chickasaws	4,650,935	6,000	775—
Choctaws	6,688,000	16,000	417—
Seminoles	375,000	3,000	125

* Exclusive of lands west of the Arkansas river.

I can hardly be too strenuous in my opinions and recommendations on this subject. The homestead to-day is the greatest bulwark of American progress and liberty. The heresies in the social and political world which keep the public mind in constant ferment, and sometimes seem to threaten the very existence of our political institutions, find a quietus when they come in contact with the great conservative forces found within the sacred precincts of the home and marshaled in defense of the homestead. That patriotism can never repay its debt of obligation to the authors of the American homestead is the noble sentiment of every manly American heart. So will it be with the red man; when once he is located on his homestead and is brought to realize the dignity as well as the responsibility of his new position and relations, all opposition to this benign measure will disappear, and his heart will swell with gratitude to the Government for the blessings and opportunities thereby conferred upon him.

EDUCATION.

The progress made in school work during the year has been most gratifying, and the interest in education, both among Indians and their friends, has clearly received a new impetus from the passage of the law providing for lands in severalty and citizenship. To pupils, especially in the eastern schools, the meaning and hope contained in the new law has been carefully shown, and courage and enthusiasm for the future opening out before them has been evoked. The Indian student approaching manhood may now have a definiteness of purpose and a breadth of outlook sufficient to call forth his best energies and aspirations.

On page 395 will be found a table giving the name and location of

every Indian school to whose support the Government contributes, the number of pupils it can accommodate, the enrollment and average attendance of its pupils, the number of employés, its cost to the Government, and the method by which it is conducted, whether by this Bureau directly or by contract or otherwise. A summary of the statistics therein contained is as follows:

There were in all 227 schools, with a capacity of 13,766, an enrollment of 14,333, and average attendance of 10,520 pupils, which have been maintained at a cost to the Government during the past year of $1,166,025.57.* They may be classified as follows:

There were 68 boarding-schools supported entirely by the Government, having a capacity of 5,055, an enrollment of 5,484, and an average attendance of 4,111 pupils, and costing $548,787.65.

There were 90 day schools, having a capacity of 3,135, an enrollment of 3,115, and an average attendance of 1,896 pupils, and costing $59,678.80.

There were five industrial training schools, conducted under the immediate supervision of the Indian Bureau, for whose support Congress makes special appropriation, and three other training schools in which the placing of Indian pupils is provided for by special appropriation, but which are managed by other than Government officials. These eight schools have had a capacity of 2,005, an enrollment of 2,137, and an average attendance of 1,828 pupils, and have cost the Government $318,336.01.

Under contract,† mainly with religious organizations, 41 boarding-schools and 20 day schools were maintained, the former having an average attendance of 2,081 pupils, and costing the Government $228,445.58, and the latter having an average of 604 pupils, and costing $10,777.53.

Put into tabulated form these statistics are as follows:

Kind of school.	Number of schools.	Number of pupils who can be accommodated.	Number of pupils enrolled.	Average attendance.	Cost to Government.
Managed directly by the Indian Bureau:					
Boarding-schools	68	5,050	5,484	4,111	$548,787.65
Day schools	90	3,135	3,115	1,896	59,678.80
Industrial training schools	5	1,455	1,573	1,342	243,089.12
Industrial training schools provided for by special appropriation, but not managed directly by Indian Bureau	3	550	564	486	75,246.89
Total Government schools	166	10,190	10,736	7,835	926,802.46
Conducted under contract with Indian Bureau:					
Boarding-schools	41	2,733	2,553	2,081	228,445.58
Day schools	20	813	1,044	604	10,777.53
Total contract schools	61	3,576	3,597	2,685	239,223.11
Grand total	227	13,766	14,333	10,520	1,166,025.57

* This sum does not include expenditures for construction and repairs of buildings, transportation of pupils, and some miscellaneous items.

† A table giving detailed information in regard to contract schools will be found on page 321.

In addition to the above the Government has assisted in the support of an Indian pupil at each of the following institutions: Howard University and Wayland Seminary, in Washington; medical department of University of Pennsylvania and Woman's Medical College, in Philadelphia, and Lincoln Institute, Chester, Pa.

All the above figures relate only to schools supported in whole or in part by the Government, and if to these were added the school attendance among the five civilized tribes and the New York Indians, and the schools supported by religious societies without any expense to the Government, the figures would be largely increased. However, they would still fall far short of showing that school facilities are provided for all Indian children between the ages of six and sixteen. Such facilities should be furnished, but this point can not be reached without much larger appropriations than have heretofore been given. I hope there will be no failure to grant the small increase in the school appropriation which I have asked for next year. Advantage should be taken of the present favorable attitude of the Indians toward education.

The following comparative statement shows the advance made in Indian school work during the past five years, and it will be noticed that during the present administration there has been an increase of 27 in the number of Indian schools and an increase of 2,377 in the average attendance of pupils:

	Boarding-schools.		Day schools.	
	Number.	Average attendance.	Number.	Average attendance
1882	71	2,755	54	1,311
1883	78	2,599	64	1,443
1884	86	4,358	76	1,757
1885	114	6,201	86	1,942
1886	115	7,260	99	2,370
1887	117	8,020	110	2,500

It is apparent that we have advanced far enough in the education of Indian children to be able to say that what for a time was an experiment no longer admits of uncertainty. The Indian can be educated equally with the white or the colored man, and his education is gradually being accomplished, and at a less cost per capita from year to year as the work proceeds. During the past year the average cost to the Government per annum of educating a pupil in a Government boarding-school has been about $170; in a contract boarding-school, $130; in a Government day school, $53, and in a contract day school, $30. Of course the amount paid by the Government to the contract schools is inadequate for the support and education of the pupils placed therein, and the societies conducting the schools supply the deficiency from their own resources. I take no part in the controversy as to which is the best method of having Indians educated, whether on or off reservations.

One thing is clear, the Government has made a wonderfully economic move in undertaking to educate these people in any kind of schools instead of fighting them. The cost of the schools is immeasurably less than that of the wars which they supplant, to say nothing of the sacrifice of lives of both soldiers and Indians. One of the valuable results connected with the capture of Geronimo and his hostile Apaches, and the removal of his and other bands to Florida, for imprisonment there, has been the placing last spring in the Carlisle school of 106 children of those prisoners, and the gathering into schools at Saint Augustine of others who were too young to be taken away from their parents.

The following table, showing the cost of and attendance at the eight schools for which Congress makes special appropriation, may be of interest:

School.	Location.	Capacity.	Number of employés.	Number of months in session.	Enrollment.	Average attendance.	Cost.
Carlisle Training	Carlisle, Pa	500	44	12	617	547	$81,000.00
Chilocco Training	Chilocco, Ind. Ter.	180	26	12	197	166	*28,544.64
Genoa Training	Genoa, Nebr	175	23	12	215	171	†31,264.77
Hampton Institute	Hampton, Va	150	.....	12	160	116	19,382.79
Haskell Institute	Lawrence, Kans	350	36	12	339	273	‡61,532.00
Lincoln Institution	Philadelphia, Pa	200	.....	12	218	200	33,364.10
Salem Training	Chemawa, Oregon	250	36	12	205	185	§40,747.71
St. Ignatius Mission	Flathead reservation, Montana.	200	.....	12	186	170	22,500.00
Total		2,005	.....	.....	2,137	1,828	318,336.01

*Including $1,859.68 for buildings and repairs.
†Including $2,117.71 for buildings and repairs.
‡Including $4,204.26 for buildings and repairs; $21,500 was expended for purchase of 210 acres of land, which is not included in cost as given above.
§Including $5,000 for buildings and repairs.

Some of the eastern training schools have adopted a system known as "outing," which in my judgment is an important auxiliary in educating Indian youth and preparing them for self-support. It is notably carried on at the Carlisle school, which, without disparaging other Indian training schools, may be said to stand in the front rank, if it is not the foremost, of institutions engaged in the great work of Indian education. This system consists in placing out for a series of months among the families of farmers in that part of Pennsylvania, boys and girls who have had a year or so of training at Carlisle, and can make the most of the advantages thus afforded them for learning practical farming, the use of tools, and thrifty housekeeping. In addition to their board they receive fair wages for their labor—from $5 to $8 per month for farm work—and as members of the household are admitted to the privileges enjoyed by the sons and daughters of the family. In some cases they remain a year at these places, attending district school in the winter. Such a training upon a farm is the best possible way of fitting them for the ownership and cultivation of the lands which are being allotted them by the Government. This experience, taken in connection with their train-

ing and education at school, places them beyond all reasonable doubt upon a footing of self-support. Under this system 299 Carlisle pupils have spent more or less time in private families during the past year.

In this connection I desire to call attention to the following paragraphs from the Washington Post and Philadelphia Press in regard to Carlisle students:

[From the Washington Post.]

One of the striking features of the industrial parade in Philadelphia last week was the appearance of the Indian boys from the school at Carlisle, with their books and other school paraphernalia. There is a vast interval which no lapse of time can measure between the Indian boy of the beginning of this century, or indeed any Indian boy in savage life, and an Indian boy civilized and educated. The group of Indian boys was certainly a most interesting exhibit.

[From the Philadelphia Press.]

The Indian, who owes to the Federal Constitution his first and final recognition as a man amenable to law and open to civilization, made yesterday the most interesting and the most instructive portion of the display. The Carlisle School cadets were one long moving argument in favor of education and civilization for the Indian.

The total enrollment of pupils for the past year in schools more or less dependent on the Government has already been stated as 14,333, a number larger than can properly be accommodated in the buildings provided. In its efforts to increase school accommodations the office is seriously hampered and often times thwarted by the restriction of law in the appropriation act which limits the amount to be paid for erecting and furnishing a boarding-school building to $10,000, and for erecting a day-school building to $600. In many localities, remote from the labor supply, and where materials must be hauled a long distance, it is impossible to erect and furnish for this sum a building large enough to accommodate even 60 pupils. On four reservations children will be kept out of school this year because, after wide advertisement, the office has failed to secure bids on the proposed and much needed buildings; that is, bids within the $10,000 limit. The plans were for buildings of the plainest sort and of construction as cheap as was consistent with strength and safety, and for a smaller number of children than were ready to attend. It would be in the interest of Indian education and of ultimate economy if Congress would remove this restriction, so that the office might be able to provide at an early day buildings, plain but substantial, and large enough to accommodate in a proper way the children who in ten years will have passed the time of pupilage, and under new conditions will be called upon to compete for a livelihood with the educated race. For a statement of the expenditures made from the appropriation of last year for buildings and repairs see page 395.

I have already referred incidentally to the indispensable work done in the way of Indian education by the various religious organizations of the country. Although it discredits the Government, it is but just to say that for some years past these societies have put more money into Indian school buildings than the Government has expended for that purpose,

and the increase in the number of children attending school is in no small degree due to the fact that places in which to teach the children have been provided from other than Government funds. Moreover, as has already been stated, in the maintenance of schools so established the societies draw largely from their own funds to supplement the allowance granted these schools by the Government. In assisting in the support of such schools the office has been entirely non-sectarian, and all the leading denominations of the country are represented in Indian school work.

For four years past the Indian appropriation act has contained an item of $15,000 or $20,000, providing for the education of Indian pupils in industrial schools in Alaska. In 1884, when the first of these appropriations was made, no educational facilities whatever had been provided for the inhabitants of Alaska, except one or two small schools established and supported by religious societies. The schools established by the Russian Government had of course been discontinued, and the American Government had provided no substitutes. As a temporary expedient the Indian Office asked that it be allowed at least to make a beginning in school work among the Indians of that country, and the small sums named above were appropriated accordingly. So small an appropriation for so distant a work made it impracticable for the office to send a representative to Alaska, who should establish and keep in operation a system of schools for the widely scattered bands of Alaska Indians, and its efforts in that direction have been confined to assisting various societies in establishing new schools and in enlarging and improving those already established.

However, the Alaska Indians, so called, are hardly to be looked upon as Indians in the sense in which the word is applied to the tribes on our western reservations. They are Alaskans, the native people of the land, who know how to support themselves by the resources of the country and the industries naturally arising therefrom, are ready to engage in any other industries which may be established there and to assimilate the customs of those who come to settle among them, and are anxious to be educated. They are the laboring class, which needs neither corralling nor feeding nor agencies nor any of the machinery which has sprung up in connection with our Indian service, and to attempt to foist upon them this machinery would be to ignore all the lessons which the last half century of dealings with Indians should have taught this nation, and to repeat over again the old blunders and errors in Indian management.

Within the last two years I am informed that by using small Government appropriations for that purpose the Bureau of Education has undertaken to establish a public school system, not for the whites and not for the Indians, but for the *people* of Alaska, and, in my judgment, this is the proper course to pursue. The amount appropriated I understand to be inadequate. In my estimates for the next fiscal year I have not included the usual item for Indian schools in Alaska, because I be-

lieve that it would be much better for Congress to add this sum to the sum allowed for general education there, and to place the entire educational system of Alaska under the management of the Bureau of Education, which has its own officials on the ground, and is now better equipped than the Indian Office will ever be for the prosecution of such work.

THE ENGLISH LANGUAGE IN INDIAN SCHOOLS.

In the report of this office for 1885 incidental allusion was made to the importance of teaching Indians the English language, the paragraph being as follows:

A wider and better knowledge of the English language among them is essential to their comprehension of the duties and obligations of citizenship. At this time but few of the adult population can speak a word of English, but with the efforts now being made by the Government and by religious and philanthropic associations and individuals, especially in the Eastern States, with the missionary and the schoolmaster industriously in the field everywhere among the tribes, it is to be hoped, and it is confidently believed, that among the next generation of Indians the English language will be sufficiently spoken and used to enable them to become acquainted with the laws, customs, and institutions of our country.

The idea was not a new one. As far back as 1868 the commission known as the "Peace Commission," composed of Generals Sherman, Harney, Sanborn, and Terry, and Messrs. Taylor (then Commissioner of Indian Affairs), Henderson, Tappan, and Augur, embodied in the report of their investigations into the condition of Indian tribes their matured and pronounced views on this subject, from which I make the following extracts:

The white and Indian must mingle together and jointly occupy the country, or one of them must abandon it. * * * What prevented their living together? * * * Third. The difference in language, which in a great measure barred intercourse and a proper understanding each of the other's motives and intentions. Now, by educating the children of these tribes in the English language these differences would have disappeared, and civilization would have followed at once. Nothing then would have been left but the antipathy of race, and that, too, is always softened in the beams of a higher civilization. * * * Through sameness of language is produced sameness of sentiment, and thought; customs and habits are moulded and assimilated in the same way, and thus in process of time the differences producing trouble would have been gradually obliterated. By civilizing one tribe others would have followed. Indians of different tribes associate with each other on terms of equality; they have not the Bible, but their religion, which we call superstition, teaches them that the Great Spirit made us all. In the difference of language to-day lies two-thirds of our trouble. * * * Schools should be established, which children should be required to attend; their barbarous dialect should be blotted out and the English language substituted. * * * The object of greatest solicitude should be to break down the prejudices of tribe among the Indians; to blot out the boundary lines which divide them into distinct nations, and fuse them into one homogeneous mass. Uniformity of language will do this—nothing else will.

In the regulations of the Indian Bureau issued by the Indian Office in 1880, for the guidance of Indian agents, occurs this paragraph:

All instruction must be in English, except in so far as the native language of the pupils shall be a necessary medium for conveying the knowledge of English, and the conversation of and communications between the pupils and with the teacher must be, as far as practicable, in English.

In 1884 the following order was issued by the Department to the office, being called out by the report that in one of the schools instruction was being given in both Dakota and English:

You will please inform the authorities of this school that the English language only must be taught the Indian youth placed there for educational and industrial training at the expense of the Government. If Dakota or any other language is taught such children, they will be taken away and their support by the Government will be withdrawn from the school.

In my report for 1886 I reiterated the thought of my previous report, and clearly outlining my attitude and policy I said:

In my first report I expressed very decidedly the idea that Indians should be taught the English language only. From that position I believe, so far as I am advised, there is no dissent either among the law-makers or the executive agents who are selected under the law to do the work. There is not an Indian pupil whose tuition and maintenance is paid for by the United States Government who is permitted to study any other language than our own vernacular—the language of the greatest, most powerful, and enterprising nationalities beneath the sun. The English language as taught in America is good enough for all her people of all races.

Longer and closer consideration of the subject has only deepened my conviction that it is a matter not only of importance, but of necessity that the Indians acquire the English language as rapidly as possible. The Government has entered upon the great work of educating and citizenizing the Indians and establishing them upon homesteads. The adults are expected to assume the role of citizens, and of course the rising generation will be expected and required more nearly to fill the measure of citizenship, and the main purpose of educating them is to enable them to read, write, and speak the English language and to transact business with English-speaking people. When they take upon themselves the responsibilities and privileges of citizenship their vernacular will be of no advantage. Only through the medium of the English tongue can they acquire a knowledge of the Constitution of the country and their rights and duties thereunder.

Every nation is jealous of its own language, and no nation ought to be more so than ours, which approaches nearer than any other nationality to the perfect protection of its people. True Americans all feel that the Constitution, laws, and institutions of the United States, in their adaptation to the wants and requirements of man, are superior to those of any other country; and they should understand that by the spread of the English language will these laws and institutions be more firmly established and widely disseminated. Nothing so surely and perfectly stamps upon an individual a national characteristic as language. So manifest and important is this that nations the world over, in both ancient and modern times, have ever imposed the strictest requirements upon their public schools as to the teaching of the national tongue. Only English has been allowed to be taught in the public schools in the territory acquired by this country from Spain, Mexico, and Russia, although the native populations spoke another tongue.

All are familiar with the recent prohibitory order of the German Empire forbidding the teaching of the French language in either public or private schools in Alsace and Lorraine. Although the population is almost universally opposed to German rule, they are firmly held to German political allegiance by the military hand of the Iron Chancellor. If the Indians were in Germany or France or any other civilized country, they should be instructed in the language there used. As they are in an English-speaking country, they must be taught the language which they must use in transacting business with the people of this country. No unity or community of feeling can be established among different peoples unless they are brought to speak the same language, and thus become imbued with like ideas of duty.

Deeming it for the very best interest of the Indian, both as an individual and as an embryo citizen, to have this policy strictly enforced among the various schools on Indian reservations, orders have been issued accordingly to Indian agents, and the text of the orders and of some explanations made thereof are given below :

DECEMBER 14, 1886.

In all schools conducted by missionary organizations it is required that all instructions shall be given in the English language.

FEBRUARY 2, 1887.

In reply I have to advise you that the rule applies to all schools on Indian reservations, whether they be Government or mission schools. The instruction of the Indians in the vernacular is not only of no use to them, but is detrimental to the cause of their education and civilization, and no school will be permitted on the reservation in which the English language is not exclusively taught.

JULY 16, 1887.

Your attention is called to the regulation of this office which forbids instruction in schools in any Indian language. This rule applies to all schools on an Indian reservation, whether Government or mission schools. The education of Indians in the vernacular is not only of no use to them, but is detrimental to their education and civilization.

You are instructed to see that this rule is rigidly enforced in all schools upon the reservation under your charge.

No mission school will be allowed upon the reservation which does not comply with the regulation.

The following was sent to representatives of all societies having contracts with this bureau for the conduct of Indian schools:

JULY 16, 1887.

Your attention is called to the provisions of the contracts for educating Indian pupils, which provides that the schools shall "teach the ordinary branches of an English education." This provision must be faithfully adhered to, and no books in any Indian language must be used or instruction given in that language to Indian pupils in any school where this office has entered into contract for the education of Indians. The same rule prevails in all Government Indian schools and will be strictly enforced in all contract and other Indian schools.

The instruction of Indians in the vernacular is not only of no use to them, but is detrimental to the cause of their education and civilization, and it will not be per-

mitted in any Indian school over which the Government has any control, or in which it has any interest whatever.

This circular has been sent to all parties who have contracted to educate Indian pupils during the present fiscal year.

You will see that this regulation is rigidly enforced in the schools under your direction where Indians are placed under contract.

I have given the text of these orders in detail because various misrepresentations and complaints in regard to them have been made, and various misunderstandings seem to have arisen. They do not, as has been urged, touch the question of the preaching of the Gospel in the churches nor in any wise hamper or hinder the efforts of missionaries to bring the various tribes to a knowledge of the Christian religion. Preaching of the Gospel to Indians in the vernacular is, of course, not prohibited. In fact, the question of the effect of this policy upon any missionary body was not considered. All the office insists upon is that in the schools established for the rising generation of Indians shall be taught the language of the Republic of which they are to become citizens.

It is believed that if any Indian vernacular is allowed to be taught by the missionaries in schools on Indian reservations, it will prejudice the youthful pupil as well as his untutored and uncivilized or semi-civilized parent against the English language, and, to some extent at least, against Government schools in which the English language exclusively has always been taught. To teach Indian school children their native tongue is practically to exclude English, and to prevent them from acquiring it. This language, which is good enough for a white man and a black man, ought to be good enough for the red man. It is also believed that teaching an Indian youth in his own barbarous dialect is a positive detriment to him. The first step to be taken toward civilization, toward teaching the Indians the mischief and folly of continuing in their barbarous practices, is to teach them the English language. The impracticability, if not impossibility, of civilizing the Indians of this country in any other tongue than our own would seem to be obvious, especially in view of the fact that the number of Indian vernaculars is even greater than the number of tribes. Bands of the same tribes inhabiting different localities have different dialects, and sometimes can not communicate with each other except by the sign language. If we expect to infuse into the rising generation the leaven of American citizenship, we must remove the stumbling-blocks of hereditary customs and manners, and of these language is one of the most important elements.

I am pleased to note that the five civilized tribes have taken the same view of the matter and that in their own schools—managed by the respective tribes and supported by tribal funds—English alone is taught.

But it has been suggested that this order, being mandatory, gives a cruel blow to the sacred rights of the Indians. Is it cruelty to the Indian to force him to give up his scalping-knife and tomahawk? Is it

cruelty to force him to abandon the vicious and barbarous sun dance, where he lacerates his flesh, and dances and tortures himself even unto death? Is it cruelty to the Indian to force him to have his daughters educated and married under the laws of the land, instead of selling them at a tender age for a stipulated price into concubinage to gratify the brutal lusts of ignorance and barbarism?

Having been governed in my action solely by what I believed to be the real interests of the Indians, I have been gratified to receive from eminent educators and missionaries the strongest assurance of their hearty and full concurrence in the propriety and necessity of the order. Two of them I take the liberty to append herewith. The first is from a former missionary among the Sioux; the second from an Indian agent of long experience, who has been exceedingly active in pushing the educational interests of his Indians.

As I understand it, your policy is to have the Indian taught English instead of his mother tongue. I am glad you have had the courage to take this step, and I hope you may find that support which the justice and rightness of the step deserve. Before you came to administer the affairs of the country the Republicans thought well to undertake similar work in the Government schools, but lacked the courage to touch the work of the mission schools where it was needed. If the wisdom of such work was recognized in the Government schools, why not recognize the wisdom of making it general? When I was in Dakota as a missionary among the Sioux, I was much impressed with the grave injustice done the Indian in all matters of trade, because he could not speak the language in which the trade was transacted. This step will help him out of the difficulty and lift him a long way nearer equality with the white man.

Seeing there is now being considerable said in the public press about the Indian Office prohibiting the teaching of the vernacular to the Indians in Indian schools, and having been connected with the Indian service for the past sixteen years, eleven years of which I have been Indian agent and had schools under my charge, I desire to state that I am a strong advocate of instruction to Indians in the English language only, as being able to read and write in the vernacular of the tribe is but little use to them. Nothing can be gained by teaching Indians to read and write in the vernacular, as their literature is limited and much valuable time would be lost in attempting it. Furthermore, I have found the vernacular of the Sioux very misleading, while a full knowledge of the English enables the Indians to transact business as individuals and to think and act for themselves independently of each other.

As I understand it, the order applies to children of school-going ages (from six to sixteen years) only, and that missionaries are at liberty to use the vernacular in religious instructions. This is essential in explaining the precepts of the Christian religion to adult Indians who do not understand English.

In my opinion schools conducted in the vernacular are detrimental to civilization. They encourage Indians to adhere to their time-honored customs and inherent superstitions which the Government has in every way sought to overcome, and which can only be accomplished by adopting uniform rules requiring instruction in the English language exclusively.

I also append an extract on this subject from one of the leading religious weeklies:

English is the language overwhelmingly spoken by over sixty millions of people. Outside of these, there are two hundred thousand Indians old enough to talk who use a hundred dialects, many of which are as unintelligible to those speaking the other dia-

lects as Sanscrit is to the average New England schoolboy. Why, then, should instruction in these dialects be continued to the youth? Why, indeed? They are now in the teachable age; if they are ever to learn English they must learn it now—not when they have become men with families, knowing no other tongue than their own dialect, with its very limited resources, a dialect wholly unadapted to the newer life for which they are being prepared. And they must learn English. The Indians of Fenimore Cooper's time lived in a *terra incognita* of their own. Now all is changed; every Indian reservation in the country is surrounded by white settlements, and the red man is brought into direct contact and into conflict with the roughest elements of country life. It is clear, therefore, the quarter of a million of red men on this continent can be left to themselves no longer. * * *

There are pretty nearly ten thousand Indian boys and girls who avail themselves of educational privileges. We want to keep right along in this direction; and how can we do so but by beginning with the youth and instructing them in that language by using which alone they can be qualified for the duties of American citizenship? * * * If the Indian is always to be a tribal Indian and a foreigner, by all means see to it that he learns his own tongue, and no other. But if he is to be fitted for American citizenship how shall he be better fitted than by instructing him from his youth in the language of his real country—the English tongue as spoken by Americans.

As events progress, the Indians will gradually cease to be inclosed in reservations; they will mingle with the whites. The facilities of travel are being as greatly extended by rail, by improved roads and increasing districts of settlement that this intercourse between whites and Indians must greatly increase in future—but how shall the Indian profit by it if he is ignorant of the English tongue? It is said that missionaries can not instruct at all in the Dakota tongue. We do not so understand it. To say no instruction can be had, nor any explanation of truth given in the Dakota or the Indian tongue, is to declare what the Commissioner has not said at all. On the whole, when sober reflection shall have been given to the subject, we think many who have assailed the Indian Bureau for its recent order will see and will acknowledge that the action taken by the Interior Department is wise, and that it is absolutely necessary if the Indian is ever to be fitted for the high duties of American citizenship.

SURVEYS OF INDIAN RESERVATIONS.

During the fiscal year ended June 30, 1887, contracts were entered into for the survey of outboundaries of certain reservations, and for the subdivision of lands to be allotted to Indians, the liability amounting to very nearly the amount of appropriation made by the act of May 15, 1886 (24 Stats., 44), viz, $25,000. It is understood that the work upon these surveys is proceeding, and in some cases has been completed, but no returns have as yet reached this office. Liability for surveys to the amount of $500 only has been incurred under the appropriation for the current year ($20,000), but the survey of several boundaries has been requested, and will be considered at an early day.

The general allotment act contains an appropriation of $100,000 for the surveys and resurveys required to carry out the provisions of that act. Under this act liabilities to the extent of some $31,000 have been incurred. Surveys upon portions of the Great Sioux reservation have been requested, the execution of which would require the expenditure of nearly $100,000. As the amount to be expended under this act is to

be reimbursed when Indian lands are sold, it is believed that a similar sum should be appropriated for the next fiscal year, in order that the work may proceed without embarrassment.

LEASES OF INDIAN LANDS FOR GRAZING PURPOSES.

Attention is invited to remarks made in my last annual report, upon this subject, as follows:

> If Congress would authorize Indians to dispose of their grass or would take any definite action as to the policy which this office can legally pursue in regard to Indian grazing lands, it would materially lessen the perplexities and confusion which now pertain to the subject. Moreover, if some way could be adopted by which, under proper restrictions, the surplus grass on the several Indian reservations could be utilized with profit to the Indians, the annual appropriations needed to care for the Indians could be correspondingly and materially reduced.

At the second session of the Forty-ninth Congress a bill (H. R. 10226), to provide for the leasing of unoccupied Indian lands, was introduced by Mr. Throckmorton, and referred to the House Committee on Indian Affairs, but I do not find that any further action was taken on the matter.

With the exceptions mentioned on page XVIII of my last annual report, the leases* made by several Indian tribes substantially remain *in statu quo*. It would relieve this office from much embarrassment if Congress would take this matter in hand and legislate upon it, one way or the other. The cattle interest has increased to such an extent of late years that every available foot of grazing ground is eagerly sought after.

TRESPASSERS AND TIMBER DEPREDATIONS ON INDIAN LANDS.

The Forty-ninth Congress adjourned without taking definite action upon measures again introduced for the better prevention of these offenses. So much has already been said on these subjects in annual reports of this office for years past that anything I could now say would simply be reiteration. I can only again commend them to the attention of Congress as subjects urgently demanding legislation.

AGRICULTURE.

There are three tests which particularly mark the advance of Indians toward civilization, viz, the adoption of the dress of the white man, engaging in agriculture, and the education of their children. In reference to the first, I may say that marked improvement is continuously observable among most of the tribes, some tribes having entirely disregarded their aboriginal style of dress. But this evidence of dawning civilization is far less noteworthy and significant of advancement than evidence given along the other two lines of progress. Of education I have

* For a list of the leases see Senate Ex. Doc. No, 17, Forty-eighth Congress, second session.

already spoken. I desire here to call attention to the progress which the Indians have made in farming during the past year.

Twenty-three thousand acres of new land have been broken by Indians this year, being 3,000 acres more than the amount broken last year. The Indians have themselves erected about 1,200 new houses, in addition to a considerable number erected for them by the Government.

Inspectors, special agents, and agents report farms to be in better order and the cultivation of them to be more intelligent and systematic, and agricultural tools and machinery and stock to be better protected and cared for than ever before. In many instances orchards are being planted, farm products are taken to market for sale, and numerous other evidences of thrift and home life show themselves among the more advanced Indians. In fact, the Indian is beginning to realize that he is a man, and not an animal to be hunted and shot down by some desperado who wants his land, range, and stock. The Indians as a race in the United States are alive to the fact that they are land owners and that soon they must derive a living for themselves and families by cultivating the land with their own hands.

I regret that I cannot report an increase in the total amount of crops harvested. On many reservations the protracted drought of this season has been severely felt, and owing to more remote locations and indifferent tillage the crops of Indians have suffered rather more heavily than those of white men in the same vicinity in the West. On reservations where the climatic conditions have been favorable the Indians have made a most creditable showing in the quantity of produce raised.

I do not anticipate that loss of crops will cause serious suffering With the supplies furnished by Government the great mass of the Indians will be amply provided, and where this is not the case timely precaution will be taken to guard against anything like destitution. In case of the Peorias and consolidated tribes in the Indian Territory, such provision has already been made, and authority has been granted allowing them to expend for subsistence supplies, to tide them over this year, $10,000 of their invested school fund, authority for such diversion of the fund being contained in their treaty of February 23, 1867.

THE NORTHWEST INDIAN COMMISSION.

Brief mention was made in my last annual report of the Commission appointed to negotiate with various tribes and bands of Indians in the State of Minnesota, and the Territories of Dakota, Montana, Idaho, and Washington, and the State of Oregon, under the provisions of the act of May 15, 1886 (24 Stat., p. 44), as follows:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what

sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate with the upper and middle bands of Spokane Indians and Pend d'Oreille Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Cœur d'Alene reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with said Indians for the cession of their lands to the United States; and also to enable said Secretary to negotiate with the Cœur d'Alene Indians for the cession of their lands outside the limits of the present Cœur d'Alene reservation to the United States, $15,000, or so much thereof as may be necessary, to be immediately available; but no agreement shall take effect till ratified by Congress.

The original Commissioners were Hon. John V. Wright, of Tennessee, Rt. Rev. Henry B. Whipple, of Minnesota, and Charles F. Larrabee, esq., of Maine. At the date of my last report they were in the field, engaged in the important duties assigned them. The work of this Commission was so extended, covering as it did a period of a year and embracing negotiations with upwards of thirty different Indian tribes and bands, that it will be impossible for me to give anything more than a synopsis of their necessarily voluminous reports.

The agreements concluded with the Chippewas of Minnesota were submitted to the Department with office letter of February 17, 1887, and transmitted to Congress, by the President, on the 28th of the same month. No final action was taken by that body, however, prior to adjournment. Two separate agreements were made with the Chippewas, as follows: One with the tribes and bands residing upon the White Earth, Leech Lake, Cass Lake, Lake Winnibigoshish, and White Oak Point reservations, and the Gull River and Gull Lake bands, and the other with the Indians of the Red Lake reservation.

Briefly stated, the first of these agreements provides for the removal and settlement of the several tribes and bands, parties thereto, upon the White Earth reservation, in the western part of the State, the allotment of lands in severalty to them, and the sale of the abandoned reservations (Leech Lake, Cass Lake, Lake Winnibigoshish, and White Oak Point reservations) for the benefit of said Indians. The plan of consolidation also embraced the Chippewas of the Fond du Lac, Bois Forte, and Grand Portage reservations, and provision was made in the agreement referred to looking to their removal and consolidation with the other tribes upon the White Earth reservation. However, owing to the prosperous condition in which the Commissioners found the Fond du Lac Indians, and the determined opposition of the other two bands (Bois Fort and Grand Portage) to removal, they refrained from urging their removal to White Earth, and they did not become parties to the agreement. The agreement with the White Earth and other bands also embraced the Mille Lac band, but they positively refused to enter into any agreement which involved their removal from their present locality.

The views of the Commission in regard to the future treatment of these Indians deserve careful consideration.

The second agreement was with the Red Lake Indians, whose reservation lies north of White Earth and embraces about 3,200,000 acres, a large portion of which is known to be rich in pine timber. By the terms of their agreement, these Indians cede, relinquish, and convey to the United States, in trust, about 2,000,000 acres of valuable land, part timber and part agricultural, with a view to its being sold for their benefit.

The Chippewa agreements, and accompanying report of the Commission, together with the report of this office thereon, and the letter of the Department transmitting the same to the President, are printed in Senate Ex. Doc. No. 115, Forty-ninth Congress, second session. It would be proper to state that the Indians are reported to be very anxious for the speedy ratification of these agreements. It is to be hoped that Congress will take early action thereon.

Upon completion of the negotiations with the Chippewas in Minnesota, Bishop Whipple was compelled on account of the enfeebled condition of his health to resign his place on the Commission, and Dr. Jared W. Daniels, of Minnesota, was appointed in his stead.

The next Indians visited by the Commission were the Arickarees, Gros Ventres, and Mandans, of the Fort Berthold agency in Dakota, with whom an agreement was concluded January 11, 1887. By the terms of the agreement, the Indians cede about 1,600,000 acres of their reservation for the sum of $800,000, payable in ten yearly installments of $80,000 each; the money to be expended in the civilization and education of the Indians, and in establishing them in comfortable homes as an agricultural people. The agreement also provides for the allotment of lands in severalty to said Indians within the diminished reservation. There are various other provisions calculated to advance the Indians in the paths of civilization. The agreement and accompanying papers were transmitted to Congress by the President, January 17, 1887, and form the subject-matter of Senate Ex. Doc. No. 30, Forty-ninth Congress, second session.

The Indians in northern Montana, belonging to the Fort Peck, Fort Belknap, and Blackfeet agencies, were the next visited by the Commission. These Indians occupy a reservation estimated to contain 33,830 square miles, or 21,651,000 acres. The agreement entered into with them provides for the cession to the United States of about 17,500,000 acres, and leaves three separate reservations of sufficient area, it is believed, to meet all their present and prospective wants. In the opinion of the Commissioners, these Indians are not yet prepared to take lands in severalty, and even if they were so prepared, they declare positively that the country occupied by them is entirely unsuitable for that purpose. For these reasons no provision was made in the agreement for

individual allotments. The following is quoted from the report of the Commission:

Neither of these bands are as yet prepared to take lands in severalty. Indeed, the country occupied by them is not suitable for that experiment. It is in no sense a good agricultural country, and it would be a very difficult matter, if not impossible, for a white man to make a living there, if confined strictly to the cultivation of the soil.

Montana, aside from its mineral resources, is essentially a stock-grazing country, the northern portion of it, especially, being but poorly adapted to anything else; hence it is that stock-raising has become the principal industry of the people. The frequent failure of crops, owing to the aridity of the soil, renders farming not only unprofitable, but uncertain as a means of support; therefore, if the Indians in northern Montana are ever to become self-supporting, they must follow the pursuits which the whites by long experience have found the country best adapted to—cattle, sheep, and horse-raising. This need not, and should not, be to the entire exclusion of farming, but it should become their chief industry and dependence.

It can be said positively that the Fort Peck Indians can never become self-supporting where they now are, through the cultivation of the soil alone; but there can be no doubt that with proper encouragement they would soon reach that position as stock-growers. Stock herding is suited to their tastes; they are willing to work, and realize the necessity of doing for themselves; and it is but right and just that their efforts should be encouraged and directed in a way that will be most likely to advance their civilization and happiness. Furthermore, it is absolutely certain that, unless they have cattle given them and become stock-raisers, the Government will be obliged to support them for all time, or allow them to starve.

Holding to these views, we have made provision in the agreement with them to enable them to become self-supporting as a pastoral people. The reservation set apart for them is ample, but not too large, and was selected with that end in view. The consideration agreed upon for the cession of their surplus lands will be sufficient to provide them with cattle, sheep, and other stock for a successful start in that direction, and to subsist, and otherwise care for them, until they are able to support themselves without aid from the Government.

The report adds that—

The promise of stock cattle was the principal inducement which led to the cession of the vast territory relinquished to the Government.

And that—

What has been said in regard to the policy to be pursued with the Fort Peck Indians, is equally true in respect of the Fort Belknap and Blackfeet Agency Indians. They must be encouraged in stock-raising as well as in agricultural pursuits. They never can become self-supporting in any other way.

The compensation agreed upon for the cession of their surplus lands is as follows: For the Indians of the Fort Peck agency, $165,000 annually for ten years, and for the Indians of the Fort Belknap and Blackfeet agencies, $115,000 and $150,000, respectively, annually for the same period, the money to be expended in the purchase of cows, bulls, and other stock, goods, clothing, subsistence, agricultural and mechanical implements, etc., and in such other manner as shall best promote their civilization and future well-being. There are sundry other provisions in the agreement intended to benefit the Indians and place them on a higher plane. Right of way is secured for railroads, wagon-roads, and telegraph lines whenever, in the opinion of the President, the public

interests require their construction through either of the diminished reservations. The agreement with the Indians in Montana has not as yet been transmitted to Congress.

Upon completion of the negotiations with the Indians in Montana, Mr. Larrabee was recalled from the Commission, his services being required in this office, and Mr. H. W. Andrews, of New York, was appointed to succeed him.

The next duty to engage the attention of the Commission was the required negotiations with the Upper and Middle bands of Spokane and Pend d'Oreille Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Cœur d'Aléne reservations, and for the cession of their lands to the United States—lands claimed to have been taken from them in times past, without their consent and without compensation—and also with the Cœur d'Aléne Indians for the cession of certain lands claimed by them outside the limits of their present reservation.

As the result of the negotiations had with said Indians, the Upper and Middle bands of Spokane Indians agreed to relinquish to the United States any right, title, or claim they now have, or ever had, to lands in Idaho and Washington Territories, and to remove to the Cœur d'Aléne reservation in the former Territory. A few of them expressed a preference for the Jocko reservation, and it was therefore agreed that any who so desired should be permitted to settle on said reservation, and should have their pro rata share of all benefits provided in the agreement. The consideration agreed upon was $95,000, to be expended in annual installments for their benefit. According to the report of the Commission, these Indians number from 350 to 400, and are scattered over the country in the neighborhood of Spokane Falls.

The Pend d'Oreille or Calispel Indians, by the terms of the agreement made with them, relinquish all claims to lands in Washington and Idaho Territories, and agree to remove to and settle upon the Jocko reservation in Montana Territory, where suitable provision is to be made for their comfort and support.

The Cœur d'Aléne Indians residing upon the Cœur d'Aléne reservation relinquish to the United States all right, title, and claim which they now have, or ever had, to lands in Washington, Idaho, and Montana Territories, or elsewhere, except the present Cœur d'Aléne reservation in Idaho. They agree to the removal and settlement upon this reservation of any of the Upper and Middle bands of Spokane Indians residing in and about Spokane Falls who may desire to remove there, as well as the Calispel Indians residing in the Calispel valley, and any other non-reservation Indians belonging to the Colville agency whom the Government may desire to settle in their midst. It is provided in the agreement entered into with them that the Cœur d'Aléne reservation shall be forever held as the home of said Indians, and that no part thereof shall ever be sold, opened to white settlement, or otherwise dis-

posed of without their consent. It is further agreed that the United States shall expend the sum of $150,000, in yearly installments, $30,000 the first year, and $8,000 thereafter, in the erection of a steam saw and grist mill, and in operating the same, and in the purchase of such useful articles as they may require in their progress toward civilization. There are several other provisions calculated to advance their interests.

By the agreement entered into with the confederated bands of Flathead, Pend d'Oreille, and Kootenai Indians occupying the Jocko reservation in Montana, said Indians consent to the removal and settlement upon said reservation of any of the Upper and Middle bands of Spokane Indians who may desire to settle there, and also the Pend d'Oreille or Calispel Indians. In consideration of which it is agreed that the United States shall erect a saw and grist mill on said reservation, for said confederated bands, and operate the same, and employ a blacksmith for them and furnish necessary tools.

The agreements with the Fort Peck, Fort Belknap, and Blackfeet agency Indians, and the Upper and Middle bands of Spokanes, the Pend d'Oreilles or Calispels, and the Flatheads, will be transmitted to Congress at an early date.

The work of the Commission, as mapped out by the law of Congress, was not only one of arduous labor, but in its execution an exceedingly delicate trust. The Commission was carefully and wisely selected, as the thoroughness and completeness of its work attest. Its entire work will be submitted to you with a recommendation that it be submitted to Congress, although it is not expected that any of the suggestions or recommendations of the Commission will be adopted by Congress, which the execution of the severalty law may render unnecessary; as I take it that neither the executive nor legislative department of the Government will be likely to favor a change in the policy of allotments so wisely conceived and which has been so auspiciously begun.

Even if no statutory result shall immediately follow from the recommendations of the Commission, I feel justified in believing that great good has resulted already from its labors in removing the prejudices of the Indians and inspiring them with greater confidence in the friendly protection of the Government, and in breaking down the barriers of their opposition to the new policy inaugurated, which is to lead them from the long, dark night of savage vassalage to the glorious light of liberty, peace, and civilization.

THE UMATILLA COMMISSION.

The Commission—Messrs. Stanton, Willard, and Gordon—appointed to select a diminished reservation for the confederated bands of Cayuse, Walla-Walla, and Umatilla Indians, under the first section of the act of March 3, 1885 (Stat. 23, 341), rendered their final report under date of June 30, 1887. Agreeably with the recommendations of this office as contained in letter to the Department of July 29, following, the census

rolls submitted by the Commission, showing who are entitled to take lands in severalty, the diminished reservation as shown upon the map and field notes accompanying the report of the Commission, and the selection of a tract of land for an industrial farm and school have been approved by yourself in accordance with the requirements of the act.

The Commissioners were required to make an accurate, classified census of the said confederated bands; to estimate the amount of agricultural lands required to allot to each person the quantity of lands stipulated in said act; to select a diminished reservation sufficient in area to supply agricultural land for allotment, together with sufficient pasture and timber lands for their use, and also 640 acres for an industrial farm and school, the whole not to exceed 120,000 acres for all purposes.

The census shows the whole number of Indians entitled to allotments to be eight hundred and forty-five, as follows:

Heads of families entitled to 160 acres each	247
Children over eighteen years of age entitled to 80 acres each	259
Orphan children under eighteen years of age entitled to 80 acres each	25
Other children under eighteen years of age entitled to 40 acres each	314
Total entitled to allotments	845

The aggregate amount of agricultural land necessary to make these allotments as computed by the Commissioners is 74,800 acres.

In selecting the diminished reservation, the Commissioners deferred as far as possible to the expressed wish of the Indians that the new or diminished reservation should embrace the lands upon which the three bands were then residing, at the same time endeavoring to lay it out in as compact form as possible. At best a few Indians had to be left outside of the boundary lines. This could not well be avoided because of the general desire on the part of the Indians that the lands on that part of the reservation where the scattered few were located should be sold under the provisions of the act. The area of the diminished reservation is 119,864 acres, which is within a few acres of the limit prescribed in the act, viz, 120,000 acres.

Before the allotments can be made the diminished reservation must be surveyed, or so much thereof as shall be required for allotments, and the surveys approved. These surveys are now in progress, not only within the diminished reservation, but upon the surplus lands to be appraised and sold under section 2 of the act, and a commission has been appointed to make the allotments as well as the appraisement. They will be ordered to this duty as soon as the required surveys shall have been completed and approved.

JURISDICTION OF CRIMES COMMITTED BY INDIANS.

For the third time I am compelled to call attention to the defects in the ninth section of the act of March 3, 1885 (23 Stats., 385), providing for the punishment of certain crimes committed by Indians, Con-

gress having failed to enact the legislation necessary to correct the same.

The Territories should be relieved of the expenses incident to the enforcement of the law, and its extension to that portion of the Indian Territory not covered by the laws of the five civilized tribes is of the greatest importance.

COURTS OF INDIAN OFFENSES.

The value and assistance of these courts continues to be recognized by agents and others connected with the Indian service, and I renew my recommendation of last year that they be placed upon a legal basis by an act of Congress authorizing their establishment under such rules and regulations as the Secretary of the Interior may prescribe, and that an appropriation of $5,000 be made for the payment of judges. In view of the fact that many of the Indians under the care of Indian agents have been made citizens by the general allotment act, the legal establishment and recognition of these courts becomes of greater importance than heretofore, in order that no question of jurisdiction may be raised. I trust that the necessary legislation may be obtained at the coming session of Congress.

PEACE AND ORDER AMONG INDIAN TRIBES.

I mention with unfeigned pleasure the fact that no Indians under the supervision of the Interior Department* have been on the war path during the last three years. The few San Carlos Apaches, who, a short time ago under the influence of whisky, killed one or two men and were chased by the soldiers back to the reservation and were finally arrested and punished, were not on what is styled the "war path." They were drunken desperadoes, like thousands of drunken desperadoes of our cities and towns. They had no organization or object in their lawlessness.

Every day the Indian is having more confidence in the white man and in himself. Many of them express sentiments of gratitude to the Government for its protection, sympathy, and support, and truly the American historian may be indulged in a little patriotic laudation in contemplating the general course of the Government toward these people. It is true that many, very many, acts of injustice, cruelty, and rapacity have been committed by individuals, companies, or organized bodies of white people against the Indians (and doubtless in some instances by way of retaliation), but the action of the Government has been in the main kind, generous, and fatherly toward this unfortunate race. And to-day there is a great conservative and sympathetic sentiment among the good men and women of this country standing behind

* The Apaches under Natchez, Geronimo, and others who were removed to Florida last year have not been under the care of the Interior Department since 1883.

the Government and urging it on and substantially assisting it in the work of Indian civilization. The President of the United States, who has a constituency of sixty millions, never uttered a sentiment more reflective of the will of the people than when he said:

> The conscience of the people demands that the Indians within our boundaries shall be fairly and honestly treated, as wards of the Government, and their education and civilization promoted with a view to their ultimate citizenship.

The justice and humanity of the Government have called out even from that wildest of tribes, the Apaches, expressions of appreciation and approval of the course pursued by the authorities in removing to a remote place in the States, the small warlike band under Natchez and Geronimo.

If we except the lawlessness, rapine, and murder among the five civilized tribes, I do not hesitate to say that statistics will attest the fact that, in proportion to population, not half as many murders are committed among Indians as among white people, taking any State of this Union for comparison. It is true that under strict police surveillance the Indians are kept, so far as possible, from the influence of intoxicating liquors. Possibly this may account for the comparatively few murders committed. Be that as it may, the fact remains that in the matter of crime and lawlessness the Indian does not suffer by comparison with his white brother.

CLERICAL FORCE OF THE INDIAN BUREAU.

The business coming before the Indian Office is constantly increasing. Statistics carefully prepared for the Senate subcommittee appointed to investigate the methods of doing business in the Departments, show that the increase of work in some of the divisions of this Bureau during the past three years has exceeded 50 per cent. Civilization is complicated, barbarism is comparatively simple. As the Indian puts on civilization, the duties of the Bureau, to whose charge his interests are confided, become more complex, and as the points of contact between the Indian and his civilized neighbor become more numerous there is a corresponding increase in the number of difficult questions as to relations and adjustments coming before the Indian Bureau for investigation and settlement. The running of railroads through Indian reservations, the allotting of lands on reserves and the locating of scattered Indians upon homesteads, the negotiations for cessions of tribal lands, the establishing of Indian courts, the recent law extending the jurisdiction of United States courts over crimes committed by Indians, in short, every application to Indian life of the intricate processes which belong to a high civilization, brings new labors and duties to this Bureau.

During the fiscal year 1886 the clerical force in the office was reduced to the lowest number consistent with efficient transaction of the public business. In justice to the service, I must urge the need of the

very small increase in the force for which I have recently submitted estimates, viz, three $1,200 clerks. A single item of recent work, that required to secure and compile the mass of miscellaneous information called for by the Senate sub-committee, is worthy of note. It has added not a little during the year to the demands made upon some of the most efficient clerks of this Bureau, and the report made, though somewhat voluminous, conveys little idea of the time and labor required in its preparation. During its preparation the current work of the office was of necessity neglected, and fell behind, and some divisions of the office have not yet recovered from this interruption, although clerks have faithfully worked overtime to recover lost ground. I mention this as only one out of many such causes which bring embarrassment and injury to an office which is not sufficiently equipped for the proper transaction of its increasing current business.

INDIAN POLICE.

During each year since 1878 Congress has appropriated money for the pay and equipment of a police force to be composed of Indians, and to be apportioned, under the direction of the Commissioner of Indian Affairs, among the various agencies as the necessity of the service may seem to require. Provision was made for the employment during the fiscal year ending June 30, 1887, of a force not exceeding in the aggregate 70 officers at $10 and 700 privates at $8 per month each. This force was distributed among the various agencies, and each agent notified of the number of each grade assigned to his agency, and instructed to submit for the approval of the Commissioner the nominations of suitable persons to fill the several places.

In order to obtain an appointment as policeman, the following qualifications are necessary: The person appointed must be a member of the tribe in which the police duty is to be performed, familiar with the language of the tribe, and possessed of some influence; he must be a man of unquestioned energy, courage, and self command; and he must be well proportioned physically (not less than 5 feet 8 inches in height), in vigorous health, a good horseman, and a good shot. Taking into consideration the small salaries allowed it is a matter of surprise that men possessing the requisite qualifications can be found willing to undertake the duties devolving upon the police, whose posts of duty are on the confines of civilization, and who must incur the risks incident to being brought in contact with some of the most reckless, unscrupulous, and dangerous classes in the country, including the true "border ruffian," who places no value upon a human life if it interposes between him and the accomplishment of his unlawful designs.

Experience, however, has demonstrated that the Indian police force will compare favorably as to fidelity, courage, loyalty, and honor with any similar body, even though composed of men who boast of a higher civilization. During the year there have been a few discharges on ac-

count of neglect of duty, and it is a fact worthy of note that dismissals for cowardice are almost unknown, the Indian policeman being willing to face any danger and, as has been the case several times during the past year, to sacrifice life itself in obeying orders and faithfully discharging duty.

A number have resigned because of inability to support themselves and families on the meager salary allowed. I can but repeat my former recommendations in reference to providing a more liberal compensation for the members of the Indian police force, deeming it but just that the salary paid should bear at least some slight relation to the labor performed, exposure endured, and risk incurred in the discharge of duties which often bring the police into conflict not only with lawless adventurers, but with their own people, in attempts to suppress crime and to abolish barbarous feasts and customs long prevalent and firmly rooted.

For the increase of the salary of the police in the Union agency, Agent Owen makes a special plea.

ANNUAL INDIAN CENSUS.

Section 9 of the act of July 4, 1884, making appropriations for the expenses of the Indian service, requires that each agent submit a yearly census of the Indians at his agency or upon the reservations under his charge. Agents have, therefore, been duly instructed as to the requirement of the law and the necessity of complying therewith. The returns, as far as received at this writing for the fiscal year ending June 30, 1887, show at some agencies a very slight increase in the population, but at the great majority the tendency is the other way, and though not rapid, the decrease is steady, showing that the deaths exceed the births by a slight majority. There is no very striking change, however, this year at any agency, nor such as to call for special notice.

I am convinced that at nearly all the larger agencies these annual census lists are inaccurate, and, although they serve to give a fairly reliable idea of the Indian population, they are not so satisfactory as I could wish. The agents can hardly be blamed for this, as no special means are provided for taking the census, and I am of the opinion that Congress when framing this law could not have fully comprehended the magnitude of the extra labor thereby imposed on the agent and his employés at many agencies. When it is considered that many reservations cover large tracts of country; that the Indians, especially those engaged in farming, are often located at great distances, say from 30 to 50 miles in different directions from the agency, and that those who are not farming roam from place to place; that to obtain a correct enumeration, giving ages, family relations, etc., they must be seen by some one intelligent enough to be able to write, and that generally the presence of an interpreter is required; that often there is no road to the house or tipi, or one almost impassable, and that there is nothing to in-

duce the Indian to visit the agency with his family, the difficulties in the way of making a yearly census may be conjectured, and it is not to be wondered at if many of the returns are to a great extent unreliable estimates, compiled from such information as can be picked up by the police or other employés from whatever sources may be available.

In view of these facts, and the almost universal complaint of the agents that much of their valuable time and that of their employés is consumed every year by this duty, and that it is almost impossible for them to take the census properly without incurring some expense, I am of the opinion that it would be to the interest of the Government and the service to require a triennial census only, and to furnish sufficient funds for taking it thoroughly. I believe a reliable census each third year would, while relieving an agency of much extra labor, be a great deal more useful to all parties interested than the present yearly census, and the Commissioner of Indian Affairs would not then be under the necessity of submitting to the Department statistics to whose accuracy he cannot certify.

RAILROADS.

The past year has been one of unusual activity in the projection and building of numerous additional railroads through Indian lands. The wisdom of Congress in granting such charters to railroad companies will, I believe, be demonstrated by the benefits to the Indians which will eventually result therefrom.

Bad River reserve, Wisconsin.—The Duluth, Superior and Michigan Railway Company having applied for a right of way through this reservation under the provisions of the treaty with the Chippewas of September 30, 1854, negotiations as to the measure of compensation to be paid to the Indians are now pending.

Blackfeet (Montana) and Fort Berthold (Dakota) reserves.—By an act of Congress approved February 15, 1887 (24 Stat. 402), a right of way was granted to the Saint Paul, Minneapolis and Manitoba Railway Company, for the extension of its line of road from Minot, Dak., across the Fort Berthold reservation; thence along the Missouri river by the most convenient and practicable route to the valley of the Milk river on the Blackfeet reservation; thence along the valley of the Milk river to Fort Assinniboine, and thence southwesterly to the Great Falls of the Missouri river. The provisions of the act have been fully complied with by the company, tribal compensation fixed, and damages to individual Indians assessed, and paid to the Indians, and the road is now being rapidly constructed on the route defined.

Cœur d'Aléne reserve, Idaho.—At the last session of Congress bills were passed by the Senate granting to the Spokane and Palouse Railway Company and the Washington and Idaho Railroad Company, respectively, a right of way through this reservation. Both bills as passed

by the Senate were favorably reported by the House Committee on Indian Affairs, but were not further acted upon prior to adjournment.

Crow reserve, Montana.—By an act of Congress approved March 3, 1887 (24 Stat., 545), a right of way was granted to the Rocky Fork and Cooke City Railway Company for the construction of a road through the western portion of the Crow reservation, beginning at or near Laurel, Yellowstone county, Mont.; running thence by the most practicable route to or near the mouth of Rock creek, commonly called Rocky Fork; thence up said creek to the coal mines near Red Lodge post-office, in Gallatin county, in said Territory; thence by the most practicable route to Cooke City, in said Gallatin county. The consent of the Indians to said right of way having been obtained in a manner satisfactory to the President, as required by the act, measures are now in progress to carry out its provisions in reference to compensation to be paid to the Indians.

Fort Hall reserve, Idaho.—Congress adjourned without taking final action on either of the measures mentioned in my last annual report looking to negotiations with the Shoshone and Bannack Indians in respect of the right of way occupied by the Utah and Northern Railway for its road running north and south, as also for additional lands at Pocatello station, required by said company, conjointly with the Oregon Short Line Railway Company, running east and west through this reservation. Inspector Gardner and Agent Gallagher were therefore, in May last, especially directed by you to examine the situation, and to ascertain the wishes of and secure proper action by the Indians to enable the Department to lay the entire matter before Congress at the approaching session.

On the 30th May last they submitted their report, from which, and accompanying papers, it appears that the Indians agreed to surrender and relinquish to the United States all their estate, title, and interest in and to so much of the Fort Hall reservation at or near Pocatello as is comprised within certain defined boundaries, containing an area of 1,840 acres, more or less, saving and excepting so much thereof as has been heretofore relinquished to the United States for the use of the Utah and Northern and Oregon Short Line Railway Companies. The land so relinquished is to be surveyed by the United States and laid off into lots and blocks as a town site, and after due appraisement thereof, to be sold at public auction to the highest bidder, at such time, in such manner, and upon such terms and conditions as Congress may direct; the funds arising from such sale, after deducting all necessary expenses, to be deposited in the Treasury of the United States to the credit of the Indians, and to bear interest at the rate of 5 per cent. per annum, with power in the Secretary of the Interior to expend all or any part of the principal and accrued interest thereof for the benefit and support of said Indians in such manner and at such times as he shall see fit. Or, said lands so relinquished are to be disposed of for the benefit of said Indians in such other manner as Congress may direct.

The Indians further agree that upon payment to the Secretary of the Interior, for their use and benefit, of the sum of $8 per acre for each and every acre of land of the reservation taken and used for the purposes of its road, the Utah and Northern Railway Company shall have a right of way not exceeding 200 feet in width from north to south through the reservation, with necessary grounds for station and water purposes, according to maps and plats of definite location, to be filed hereafter by the company with and to be approved by the Secretary of the Interior. The papers will be laid before the Department in due season, for transmission to Congress.

Gila river, Arizona.—By the act of Congress approved January 17, 1887 (24 Stat., 361), the Maricopa and Phœnix Railway Company, a corporation of Arizona, was granted a right of way through this reservation, beginning at a point on the southerly line thereof, where the track of the Maricopa and Phœnix Railway intersects said line; running thence in a northeasterly direction by the most practicable route to the northerly line of the reservation in the direction of Phœnix, Ariz. The provisions of the act, in so far as they relate to the payment of damages to the Indians, the filing of maps of definite location, and bond, have been fully complied with by the company, and the road is now in process of construction, if not already built.

Indian Territory.—At the second session of the Forty-ninth Congress, the following additional railroad acts were passed: An act granting the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, approved March 2, 1887 (24 Stat., 446), and an act to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, approved January 24, 1887 (24 Stat., 419).

Maps of definite location of the first 50 miles of the main line of the Kansas and Arkansas Valley Railway (act approved June 1, 1886, 24 Stat., 73), to be constructed from Fort Smith in a northwesterly direction through the Indian Territory to a point on the northern boundary line thereof, between the Arkansas river, in Cowley county, and the Caney river, in Chautauqua county, Kans., have been approved by you, and appraisers to assess individual damages, as provided for in the act, have been severally appointed by the President, the railway company, and the principal chief of the Choctaw Nation. The principal chief of the Cherokee Nation has been notified by this office to appoint an appraiser, but hitherto has not replied, and the attitude of that nation appears so far to be one of determined hostility to the road. The road, however, is in process of construction.

On the 21st October, 1886, the referees appointed by the President, under the provisions of the Southern Kansas Railway act approved July 4, 1884 (22 Stat., 73), to appraise the value of the right of way, and

to assess damages to individual occupants, filed their report in the Department. Their awards were as follows:

To the Cherokee Nation for right of way for 35.5 miles of main line, at $93 per mile	$3,301.50
To the same for right of way for 112.54 miles of branch line at $36 per mile	4,051.44
Total award to the Cherokee Nation	7,352.94
To the Ponca tribe of Indians for right of way for 13.7 miles of main line, at $117.70 per mile	1,616.60
To the Otoe and Missouria tribe of Indians for right of way for 14.8 miles of main line, at $162 per mile	2,390.48
Total amount of tribal awards	11,360.02
Damages awarded to individual Poncas	265.00

From this award the Cherokee Nation has appealed by petition to the United States court for the western district of Arkansas, as provided by the act, and the appeal is now pending. The Otoes and Missourias accepted the award made in their favor, and the amount thereof, $2,390.48, was duly paid by the railway company, and distributed amongst them per capita. The Poncas flatly refused to accept the award for $1,616.60 made in their favor, but finally agreed to compromise at the sum of $3,000, which has also been paid by the railway company, and distributed to them per capita. At last accounts the individual Poncas still refused to accept the amounts awarded to them, but the sums involved are too small to warrant litigation.

Maps of definite location of the remaining sections of the main and branch lines of the road have been approved in the Department. At the date of the last official advices the main line was completed, and open to Oklahoma Station, a distance of 117 miles from the Kansas border. Plats of station grounds, eighteen in number, on the main and branch lines, selected by the company under the provisions of the act, have also been filed in the Department, and, by your direction, referred to the principal chiefs of the several nations or tribes interested, for examination and objections, if any, prior to approval.

Maps of definite location of the entire line of the Gulf, Colorado and Santa Fé Railway (act approved July 4, 1884, 23 Stat., 69) through the lands included in the Chickasaw district, have also been filed in the Department and received your approval. Under the provisions of the act, a board of referees, consisting of Messrs. John M. Galloway, of Fort Scott, Kans., F. M. Dougherty, of Gainesville, Tex., and Malcom McEachin, of Fort Smith, Ark., were appointed by the President to appraise the value of the right of way, and assess damages to individual occupants. Their duties were confined simply to the cases of individual occupants, the principal chiefs of the Choctaw and Chickasaw Nations having formerly notified this office of the acceptance of the allowances provided by the act in respect of the general right of way. On the 27th December, 1886, the referees filed their report in the Department,

awarding to thirty-one citizens of the Chickasaw Nation therein named, an aggregate sum of $2,225 as compensation for damages sustained by them by reason of the construction of the road. Notices of the awards were served upon the several individual Indians in whose favor they had been made, and the attorneys for the railway company were informed of the filing of the report.

The total amount of compensation payable to the Choctaw and Chickasaw Nations, under the act for the right of way through their common lands, was $5,000, which was duly paid into the Department by the Gulf, Colorado and Santa Fé Railway Company, and under your direction was apportioned between the said nations in the shares to which by treaty and law they are respectively entitled, viz, three-fourths to the Choctaws and one-fourth to the Chickasaws. Plats of definite location of station grounds, ten in number, selected by said railway company under the act, have also been filed in the Department, and by your instructions remitted to the principal chiefs of each of said nations for examination and objections, if any, prior to approval.

Numerous other bills granting a right of way through the Indian Territory to various railroad corporations were introduced during the last session of the Forty-ninth Congress, but were not acted upon.

Puyallup reserve, Washington Territory.—The Northern Pacific Railroad Company has applied for authority to construct a spur 1,225 feet long, with right of way of convenient width through the western part of this reservation, as part of a plan for furnishing, for the public convenience, such additional railroad facilities at the city of Tacoma as will be required by the increase of business at that point arising from the completion of the Cascade branch of the road. Some correspondence has ensued between this Office, the resident Indian agent, and the railroad company on the subject, and there is every indication of a satisfactory adjustment. The papers will be laid before you as soon as the preliminaries have been arranged and the matter is ripe for action.

Red Lake reserve, Minnesota.—The Rainy Lake River and Southwestern Railway Company has applied for information as to obtaining a right of way for a line of road commencing at a point on the west bank of Rainy Lake river, south of the Lake of the Woods, on the northern limits of the reservation, thence running in a southwesterly direction through the northern portion of the reservation, towards Bismarck, Dak., and has been referred to Congress for the necessary legislation.

Sioux reserve, Dakota.—In my last annual report I mentioned that the application of the Ordway, Bismarck, and Northwestern Railway Company, for leave to make a preliminary survey for a line of road to run southwestwardly through this reserve to the Black Hills, had been referred to the several resident agents, with instructions to ascertain the sentiment of the Indians thereon. The agents, one and all, reported

their Indians as unanimous in their refusal to give their consent to the survey, and the matter has not since been agitated.

Uintah and Uncompahgre reserves, Utah.—By the act of Congress approved March 3, 1887 (24 Stat., 548), a right of way is granted through these reserves to the Utah Midland Railway Company, a corporation of the Territory of Utah, entering the Uncompahgre reserve at or near the place where the White river crosses the east boundary line of the Territory of Utah; running thence by the most feasible route in a general westerly direction across said Uncompahgre and the Uintah reserves, to the western boundary of the latter, in the direction of Salt Lake City. By Department telegram of May 7 last, the resident agent at the Uintah and Ouray agency was informed that permission was granted for a preliminary survey for the road, provided no serious objection or obstruction thereto by the Indians was developed. The agent was further instructed to explain to the Indians that all questions of consent by them for right of way and construction of the road would be considered and determined hereafter. It is understood that the survey is now in progress. The act vests the President with discretionary power to require that the consent of the Indians to the right of way shall be obtained in such manner as he may prescribe before any right under the act shall accrue to the company. It also contains the usual provisions as to compensation to be paid the Indians, etc.

Partial and deferred legislation in reference to railroads.

Devil's Lake reserve, Dakota.—At the second session of the Forty-ninth Congress the House Committee on Indian Affairs favorably reported the bill (S. 1057), passed by the Senate at the preceding session, granting a right of way to the Jamestown and Northern Railroad Company through its reserve, but it was not reached on the calendar.

Walker River reserve, Nevada.—The bill (S. 1056) granting a right of way to the Carson and Colorado Railroad Company through this reserve, passed by the Senate at the first session of the Forty-ninth Congress, and referred to the House Committee on Indian Affairs, was not acted upon.

Yakama reserve, Washington Territory.—The bill (S. 1211) granting a right of way to the Northern Pacific Railroad Company through this reserve, passed by the Senate at the first session of the Forty-ninth Congress and referred to the House Committee on Indian Affairs, was adversely reported by the committee at the second session.

Sisseton and Great Sioux reserves, Dakota.—The agreement made with the Sisseton and Wahpeton Indians in Dakota for right of way through the Lake Traverse reserve to the Chicago, Milwaukee and Saint Paul Railroad Company, also those made with the Sioux Indians in Dakota for right of way through the Great Sioux reservation to the Chicago, Milwaukee and Saint Paul Railway Company and the Dakota

Central Railway Company, severally mentioned in my previous annual reports, also still remain unconfirmed by Congress. In some of these cases moneys paid by the railway companies, upon faith of the agreements, are lying idle in the Treasury, and the Indians can not understand why it is that payment is withheld. This is doubtless the cause of the opposition of the Sioux to the construction of railroads on their reserve; a feeling that they have already sold a portion of their lands to two railroad companies for which they have not been paid causing them to be suspicious of any more enterprises of a similar character. It is to be hoped that Congress will take some action in these matters at an early date.

Within the past few years the work of this office has been largely increased by reason of the extension of the railroad system through Indian reservations. At the present writing there are between forty and fifty railroad cases, in different stages of progress, before this office, involving a large amount of correspondence and incidental detail work.

CASH PAYMENTS TO INDIANS.

In the way of cash payments to Indians there has been disbursed during the past year a little over $592,000. This includes annuity or treaty money, interest on trust funds, proceeds of sales of Indian lands, and the Ute gratuity of $1,216.04. The disbursements have been made at sixteen different agencies and to over forty different tribes or bands, at various times, usually quarterly. No dissatisfaction or disturbance has attended any of the payments, the Indians in all instances being apparently well pleased with the manner in which the distribution was made.

While it is the desire and practice of this office to provide for the prompt payment of annuities, unforeseen contingencies sometimes demand a postponement of the payment, which gives rise to much complaint on the part of traders or merchants in the vicinity of the reservations with whom the Indians deal and have credit, at the delay thus forced upon them in the settlement of the indebtedness incurred by the Indians. Such delays arise principally from changes of agents, involving interregnums while the new agent is awaiting acceptance of his bond and the old one is settling up his accounts and transferring his charge to his successor; or from temporary or *ad interim* appointments when the filing of new bonds occasions the withholding of remittances to agents. Also every payment calls for more or less care in the revision of old and preparation of new rolls, and questions constantly arise requiring the examination and allowance of individual claims for enrollment which usually have to be submitted to the office and sometimes to the Department for adjudication. In the mean time the Indians grow restless and their creditors besiege the office with complaints.

Reference was made in my last report to an enforced overpayment made under hostile demonstrations by the agent at Ouray agency to the

Uncompahgre Utes, the sum of $3.81 per capita in excess of their proper pro rata share having been paid these Utes, this excess being taken out of the shares of members of the tribe who failed to attend the payment. I have the satisfaction of stating that this matter has been properly and amicably adjusted in a recent payment—the amount of the enforced overpayment having been deducted from the shares of those guilty of the outlawry and paid to the proper recipients, or reserved for future distribution to such annuitants as were entitled to the same but failed to appear.

I would again call your attention to my former recommendations that some action be taken looking to the liquidation of the claims of the Eel River Miamies of Indiana, and the Pottawatomies of Huron, in such form as to do away with the small annuities now paid them. The present flourishing condition of the national finances seems favorable to the final settlement of such small claims.

Provision was made by act of August 4, 1886, for the payment to the Pottawatomie tribe of an indemnity fund of $49,382.08, being the difference between the currency and coin values of their annuities for the years 1863–'64–'65–'66 and '67, which were paid in currency in violation of treaty stipulation. Before this fund could be properly disbursed it was necessary to agree upon an equitable basis of distribution between the Prairie band of Pottawatomies, who still maintain their tribal autonomy and live upon a reservation under charge of an agent, and the Citizen Pottawatomies who have abandoned the tribal relation and are scattered through Kansas, the Indian Territory, and adjoining States. An agreement made about the time of their separation provided that their lands and funds should be divided upon the basis of a census made in 1863, which contained the names of 1,400 Citizen Pottawatomies and of 780 of the Prairie band, 2,180 in all. This afforded a basis for an equitable apportionment of the fund in question, and $16,608.69, being $\frac{780}{2180}$ of the whole amount, was paid per capita to the Prairie band, and is included in the total disbursement of $592,000 shown above.

The amount due the citizen Pottawatomies remains unpaid. Owing to the scattered condition of these people and the difficulty of procuring a complete enrollment at any one point many difficulties suggested themselves. It was questionable whether the sum should be divided into 1,400 shares, the number of the original annuitants, and be paid to such annuitants if living, or if dead to their descendants; or whether the same should be paid per capita to all the citizen Pottawatomies now surviving, whether original annuitants or born since 1863. It has been decided to adopt the former method. The relations which these people bear as citizens to the States in which they reside, the rights of heirship under the law, the guardianship of minors, and many other points had to be duly considered before action could be taken. Moreover, before payment could be made it was necessary to detail a special agent to make the re-

quired enrollment, and until lately none could be spared for that purpose from other pressing duties. Special Agent Parsons has lately been assigned to this duty and is now engaged in making the enrollment. In order to reach the scattered members of this tribe, the enrollment and payment have been advertised at several points. Claimants will be required to prove that they are original annuitants or descendants of an annuitant. To insure prompt response and to bar future claims it has been decided to limit the time within which claimants may appear and prove their right to share in the payment, and October 20 of the current year has been fixed as the limit. The enrollment will then be closed and the distribution made per capita to all who shall have been duly enrolled.

LEGALIZING RECORDS OF INDIAN OFFICE.

In sundry treaties made with the Indians, from the Chickasaw treaty of September 20, 1816 (7 Stats., p. 150), to the treaty with the Sacs and Foxes of the Mississippi, February 18, 1867 (15 Stats., p. 495), grants of land were made to sundry individual Indians. On many of these grants or reservations restrictions were placed as to the conveyance of the same, requiring the approval of the President or of the Secretary of the Interior. By reason of these restrictions many deeds of conveyance from the reservees or their heirs or representatives have been submitted to this office for the requisite approval, and of each conveyance that has received such approval a record has been made in this office, until there has accumulated 10,755 pages of such record, as follows, viz: 2,602 pages of individual and miscellaneous deeds, 5,130 pages of Shawnee deeds, 1,516 pages of Miami deeds, 1,458 pages of Kaskaskia, Peoria, Wea, and Piankeshaw deeds, and 49 pages of deeds from the L'Anse band of Chippewas.

There is no enactment of law, that I can find, authorizing the recording of these deeds. It has been done for the convenience of the office and for its guidance in the adjustment of any questions that might arise or that might be submitted for consideration respecting each particular tract or touching any inquiry that might be made as to its status.

Many calls have been made, and their frequency is increasing, for certified copies of deeds recorded in this office, the parties calling therefor averring in many cases that the original papers have been lost, destroyed, or mislaid, and that no record of such papers was made in the proper office of record. Many of these deeds pass the title to lands which at the day of execution may not have been of much value, but to-day, by reason of improvements made thereon, are very valuable. Therefore, since in many instances this office has the only record which shows a transfer of said land from the Indian, I respectfully recommend and urge that Congress be requested to legalize these deed records and all other records of this office, and to make it the duty of the Commissioner of Indian Affairs to continue to keep a record of every such conveyance that may hereafter be approved, and further, to empower him to prepare and

certify, under seal such copies of records, books, and papers on file in this office as may be applied for, to be used in evidence in courts of justice and for other purposes (see seventh section of the act of July 4, 1836, 5 Stats., p. 111, and the twelfth and fifty-seventh sections of the act of July 8, 1870, 16 Stats., pp. 200, 207), and to authorize the use of a seal by this office, and to provide that papers authenticated therewith shall have the same validity as in case of the use of a seal by other bureaus (see fifth section of act of 1812, 2 Stats., p. 717).

LOGGING BY INDIANS.

La Pointe agency, Wisconsin.—During the season 1886–'87, under Department authority of September 28, 1882 (full particulars whereof will be found in the annual report of this office for 1884), 294 contracts for the cutting, sale, and delivery of pine timber were made by individual patentees of the Lac Court d'Oreilles, La Pointe or Bad River, Lac du Flambeau, and Fond du Lac reservations, severally attached to the La Pointe agency, Wisconsin. Under these contracts the Indians cut and banked 128,766,357 feet of timber, which was sold at prices variously ranging from $4.50 to $6.50 per 1,000 feet, according to quality. The net gain to the Indians, after paying all expenses of cutting and banking, was $273,461.42 (over double the amount realized last season), of which sum $102,285.03 was taken out in merchandise and supplies furnished by the contractors, and the balance, $171,176.39, was paid in cash to the individual Indian owners of the timber. Of these net gains—

Lac Court d'Oreilles Indians (as having a majority of the contracts) received	$177,944.95
La Pointe (or Bad River) Indians received	42,931.76
Fond du Lac Indians received	37,355.94
Lac du Flambeau Indians received	15,228.77
Total	273,461.42

The amount disbursed among the Indians for labor in cutting and banking was $452,953.15.

All who desire it have an opportunity to work, and as a consequence find themselves better fed, clothed, and housed than ever before. A majority of the Indians save their money and accumulate property, whilst some squander it; but the agent states that their general condition is greatly improved, and he anticipates still more beneficial results in the future from the force of example set by the more provident. The work has steadily increased from the commencement. Through it Indians have learned to labor who otherwise would probably have been idle, and the personal acquisition of money and property—the result of their own labor—can not fail to stimulate them to a higher degree of industry.

Menomonee Indians.—The cutting by Indians of green timber for sale, and their firing of woods, to the great injury of standing timber, neces-

sitated the issuance of a Department order prohibiting the marketing of timber by Indians. On this account but little logging was done by the Menomonees until late last season, when, on the earnest solicitation of the Indians, and the positive assurance of their agent that such precautions would be taken as would effectually prevent any of the abuses named, the prohibitory Department order was so modified as to allow the Menomonees at Green Bay agency again to cut dead and down timber for market. Although but a small quantity could then be handled, their operations, so far as they went, were perfectly satisfactory both to the Indians and to this office. No green timber was cut except such as was necessary to clear land for cultivation, and no fires were started in the woods; and as a better system of keeping their accounts was followed than formerly, no annoying complications arose between the Indians and their agent or the merchants in the final settlement. They succeeded in marketing, of all kinds of timber, about 4,000,000 feet, which realized them nearly $21,000 in cash.

These Indians are to a great extent dependent on this business for a living, as their lands are not well suited for farming, nor are they good farmers. They have a hospital for their sick, supported from the stumpage fund, which is doing a good work, and their aged, sick, and helpless are fed from this fund. They feel much encouraged at being allowed to resume logging, and their agent reports that he is satisfied that it will be the means of accomplishing much good amongst them. They are becoming accustomed to work, learning habits of industry and foresight, gradually establishing themselves in comfortable homes, and their general condition is undoubtedly being greatly improved. White labor, except such as is indispensably necessary, is rigorously excluded from the reservation, and the Indian is encouraged to work and enjoy the fruits of his toil.

With the experience obtained in the past year, and with previous obstacles removed, there is every reason to anticipate that next season's operations will exceed in magnitude any entered into heretofore, and the result ensuing therefrom will be commensurably beneficial to the Indians.

DEPREDATION CLAIMS.

Under the act of March 3, 1885 (23 Stats., 376), as amended by act of May 15, 1886, the work of investigating such Indian depredation claims as are therein provided for has been prosecuted with such force, both in the office and in the field, as the appropriation would justify. Three examiners, with sufficient clerical force, have conducted the work in the office, whilst from four to six special agents have been engaged in the service in the field. But few of these claims are so prepared as to admit of fair and satisfactory determinations in the office without the aid of further inquiry through special agents or otherwise, for the records are generally *ex parte*, brief, and present conclusions rather than facts, and

the work of these special agents, as well as that of the office, is made more tedious and difficult by the length of time which has elapsed since the origin of a large majority of the claims.

Though by the terms of said act claims in favor of Indians, claims against non-treaty Indians, claims in favor of unnaturalized citizens, and claims presented since the passage of said act (of which there are a great number) are not included in the provisions of the law, still they have added a vast amount of labor, both legal and clerical, to the otherwise heavy duties of the office. Such additional work consists in receiving, filing, and docketing new claims, amended declarations and affidavits, in the consideration of legal briefs, and in advising claimants as to the condition of their claims, and how to prepare them in conformity with the requirements of Department rules. And such is the imperfect condition of the papers in many of these cases, that in order to intelligently advise the claimants under the existing laws much time in patient examination is required. Since the passage of said acts every class of work pertaining to this branch of the service has continued to grow. In addition to claims of recent origin, many, that were presented more than a quarter of a century ago and have since been allowed to remain without action, are being revived, either by the claimants themselves or by their legal representatives, whilst others never before presented are being pressed for action.

Many of these depredation claims have been pending for so long a time that a large number of the claimants are dead, and can be represented only by heirs or administrators. The witnesses are scattered and many of them are also dead, and in a few more years, in the ordinary course of events, both claimants and witnesses will have passed away. It has, therefore, occurred to me that if it is the intention of Congress ever to pay these claims—very many of which after investigation I believe are just and should be paid—it should take steps at an early day looking toward their final arbitration and settlement. With that view I would suggest a plan of action which would probably prove effective in disposing of them. If it should be deemed wise and proper the House of Representatives might, by an amendment to its rules, organize a new committee on Indian depredation claims, which committee could investigate and report upon such cases as are recommended by the Interior Department for payment, just as the Committee on War Claims examines and reports with reference to what are known as the Fourth of July claims. Every one familiar with the immense pressure on Congress for time to transact the public business knows that these Indian claims can never be considered by Congress seriatim except in some such manner as above indicated.

CONSOLIDATION OF AGENCIES.

The Tule River agency, in California, has had under its charge only 140 Indians, and these Indians being fairly advanced in civilization, it

has been deemed expedient to abolish that agency as an independent agency, and to place the Tule River Indians under the care of the agent for the Mission Indians in the same State.

The Yuma Indians, numbering about 1,200, live on both sides of the Colorado river. It was intended some years since that they should live upon a reserve assigned them in Arizona and be under the charge of the Colorado River agency; but the land was found to be so unproductive and difficult of irrigation, that only about 800 were willing to remain in Arizona. The others insisted on returning across the river into California, where a reservation, which is said to be well suited to their wants, has been set apart for them adjoining Fort Yuma. This fort is an abandoned military post, which is now utilized as an Indian industrial boarding school for Yuma children. The Yumas are peaceable and industrious. Their California land is fertile and easily irrigated, and they deserve and ought to have some attention and encouragement from the Government. The Colorado River agency is too remote and difficult of access to have the oversight of their interests, and it has therefore seemed wise to place the Yuma Indians also under the Mission agency.

The consolidation of the Tule River and Mission agencies and the transfer of the Yumas to the charge of the latter agency was effected in August last. These changes will result in a saving of some $700 per annum in the salaries of agents and will otherwise benefit the service. I have recommended that the headquarters of the consolidated agency be located at Banning, Cal., as a place most central and easy of access. Nothing has yet been done in that direction, nor have any steps been taken in the interest of the Yuma Indians, but both will be attended to at an early day.

SANITARY MATTERS.

In regard to the sanitary condition of the Indians, there is little to be said which has not been contained in previous reports. A table is presented on page 396, which shows the number of patients treated and the prevalence of various forms of disease on the several reservations. Making allowance for effects of climate and location, which are felt by red as well as white men, it may safely be said that at many agencies there has been some real improvement in the health of the Indians.

The medical corps of the service numbers 77 physicians, located at agencies and schools, and their sanitary reports give a small death-rate compared with the number of cases attended, which would indicate gratifying success in the methods of treatment. The increase in the number of cases treated is due both to the energy displayed by many physicians in looking up cases and persuading the Indians to receive proper treatment, and to an increasing confidence among the Indians in white physicians and a consequent disregard of native medicine men. The marked contrast between the white man's treatment of the sick and that of the old native medicine man, especially in cases re-

quiring the art of the surgeon or the ability of a skilled obstetrician, has done much to inspire this confidence.

Nevertheless, the life led by Indians often makes the service rendered by white physicians most unsatisfactory. The greatest difficulty is experienced in subjecting Indians to the discipline necessary for the giving of suitable treatment, and for enforcing the continued and proper administration of medicine. If the medicine is distasteful it will not be taken. If one dose does not cure, the patient is discouraged. They have to be treated in their homes, where no hygienic measures can be adopted, and where they are more or less exposed to the influence of conservative old Indians who are opposed to the white man's methods.

Were the agencies provided with hospital accommodations patients could be placed beyond the influence of "medicine men" and their friends. Invalids scattered over the reservations who, for want of ordinary care and the proper application of medicine, linger out a miserable existence, could be greatly relieved, and in many cases cured, and their friends or relatives would thus be made converts to the new way. Small hospitals could be erected at slight cost, and the benefits of such institutions would rapidly become known among the Indians and inspire great confidence in the physician. Enthetic and tuberculous diseases prevail among many of the tribes, and are difficult to treat or control on account of the disregard of the instructions of the physician and the lack of proper facilities for the care of the sick. A large number of the deaths caused by these diseases and those of an epidemic character might be prevented could the cases be placed where hygienic means could be enforced and proper treatment given.

MISSION INDIANS IN CALIFORNIA.

Congress having adjourned on the 4th of March last without favorable action upon the bill for the relief of the Mission Indians (to which reference was made in my last annual report), on the 9th of that month I recommended that authority be granted to remove all intruders from the reservations of those Indians, and that military force be employed for that purpose if necessary. On the 11th of March the requisite authority was granted, and on the 16th of the same month the agent was instructed to notify each and all of the trespassers to remove, with all of their stock, effects, and movable property, on or before the 1st of September, 1887. The War Department has been requested to furnish a sufficient force to effect their removal. I am informally advised that the intruders will resort to the courts for an injunction against the enforcement of the order.

This measure was adopted after repeated attempts had been made to secure legislation authorizing the appointment of a commission to investigate the condition of these Indians, to secure lands for them, and to ascertain the rights of all parties in the premises. The enforcement of the order will undoubtedly inflict great hardships in some cases

where the claimants are deserving of some consideration, but there seems to be no alternative to such action. The Indians are being deprived of their homes which they have occupied for generations under concessions inserted in the Spanish grants for their protection, and the only place of refuge for them is on these reservations which are occupied by whites without legal rights. If it shall be found that in the enforcement of the order injury has been done to any person who has equitable rights, the matter will be presented for submission to Congress.

ROUND VALLEY RESERVATION IN CALIFORNIA.

The appeal made in my last annual report for the passage by the House of Representatives of the bill providing for allotments of lands in severalty to the Indians residing upon this reservation, for the sale of the surplus lands, and for the extinguishment of the claims of settlers, not having been heeded by that body, I determined to take such steps as were possible to secure to the Indians the use of some portion at least of the 96,000 acres of land reported to be in the possession of white men. On the 2d of April last, I accordingly recommended that authority be granted for the removal from the reservation of all parties found to be unlawfully thereon, and for the employment of the necessary military force. Authority was granted, and on the 25th of May last the agent was instructed to notify all parties unlawfully upon the reservation to remove therefrom, with all of their stock and personal effects, on or before the 1st day of August, 1887, and that, in the event of their failure to remove, their removal would be effected by a sufficient military force.

From this order there were excepted the persons and lands covered by the judgment of the United States circuit court rendered May 31, 1880; all persons occupying lands the title to which has passed out of the United States, as shown by an abstract furnished by the General Land Office; and parties who had improvements within the reservation on the 3d of March, 1873, to whom payment or tender of payment had not been made. All of these parties were to be confined to the lands actually covered by the exception, and the latter class were to be confined to 160 acres each.

It is intended to apply the provisions of the allotment act to this reservation as soon as possible, but it is feared that much embarrassment will be experienced. The reservation contains less than 3,000 acres of agricultural lands, of which 1,080 acres are owned by grantees under the swamp act. This land should be purchased from the owners for the use of the Indians and the amount reimbursed to the United States from the sales of grazing lands within the reservation, which should not be subject to the homestead or pre-emption laws.

As soon as the result of the order for the removal of the trespassers is ascertained a plan for the relief of these Indians will be considered.

DEVIL'S LAKE RESERVATION.

By the fourth article of the treaty of February 19, 1867, with the Sisseton and Wahpeton bands of Dakota or Sioux Indians (15 Statutes, 505) the boundaries of the Devil's Lake reservation are described as follows:

> Beginning at the most easterly point of Devil's lake; thence along the waters of said lake to the most westerly point of same; thence on a direct line to the nearest point on the Cheyenne river; thence down said river to a point opposite the lower end of Aspen island, and thence on a direct line to the place of beginning.

The present boundary lines of this reservation were run in 1875, and their correctness and accuracy were not questioned until 1883, when the agent in charge of that agency discovered that the western boundary line did not strike the Cheyenne river at a place nearest the most westerly point of Devil's lake. A survey by the General Land Office in that year also discovered a point farther west on the Cheyenne river, which is about 2½ miles nearer the said most westerly point of Devil's lake than the place to which the western boundary line was run in 1875. By the error in the survey of 1875 some 64,000 acres were eliminated from the reservation, or rather a reservation was established which contains 64,000 acres less than that provided for in the treaty, and as to which, had the points named in the treaty been followed by the surveyor, there would now be no question.

In view of the fact that a large number of settlers had in good faith gone upon the lands lying west of the reservation line as established by the survey of 1875, believing them to be a part of the public domain, and had acquired rights thereon, the Department decided in 1883 that no change would be made in the western reservation line as already established; but it did not pass on the justness of the claim made by the Indians to this 64,000 acres of land. I have examined carefully the claim of the Indians to this land, and believe it to be just, but from the fact that the United States has parted with the title to a large portion of the tract in question, it can not now be added to the reservation. Some action, however, should be taken by Congress with a view to compensating the Indians for the loss thereof. The matter will be made the subject of a special report at a later date, for the purpose of submitting it to Congress.

SEMINOLE INDIANS IN FLORIDA.

In March last, A. M. Wilson, esq., of Miakka, Fla., was appointed a special agent for the purpose of making further efforts to locate the Seminole Indians of Florida upon homesteads, as contemplated by the act of July 4, 1884 (23 Stats., 95). He was appointed in place of Frank B. Hagan, esq., who was unable to undertake the work. From his reports it appears that he has made some progress, but it is very doubtful if available vacant lands can be found upon which these Indians will be willing to locate. If such should finally prove to be the case, I

am of the opinion that some arrangement should be made with the State of Florida for the purchase of lands on which they are already located, and that Congress should be asked to make the necessary appropriation.

UNITED STATES COURT IN INDIAN TERRITORY.

The urgent necessity for the establishment of a United States court in the Indian Territory was discussed at considerable length in my last annual report. At the first session of the Forty-ninth Congress bills (S. 102, H. R. 748) to establish such court were introduced in both houses, but beyond reference to the respective Judiciary Committees it does not appear that they were acted upon.

I do not know that I can add anything to what I have already said on this subject, but I feel it my duty to repeat, with added emphasis, that the necessity for Congressional legislation for the better protection of life and property and the preservation of order among the five civilized tribes increases from year to year, in fact hourly grows in urgency. The reckless destruction of human life, particularly in the Cherokee and Creek Nations, is appalling to contemplate. Officer after officer has been brutally murdered in attempting to discharge his sworn duty. Murderers escape punishment and even trial. One who was arrested was allowed to escape by inexcusable negligence. If all the parties are Indians they are not amenable to the United States courts; the local tribal courts are ineffective. A member of the Delaware tribe, which is incorporated in the Cherokee Nation, writes this office:

> We have been murdered, slandered, and abused, our houses shot into by drunken Cherokees, and no recourse to their courts, as always the jury would be Cherokees.

Evidence on file in this Bureau abundantly shows that these people have little opportunity for obtaining justice from a Cherokee tribunal, and their case is probably no exception to that of many others.

Until a United States court with civil and criminal jurisdiction over both Indians and whites is established in the Indian Territory, as was provided for in each of the treaties of 1866 with the five civilized tribes, the condition of these people in respect to judicial matters will grow worse instead of better. Agent Owen calls attention to this in his report, from which the following extracts are taken:

> Many civil cases arise between United States citizens and Indian citizens, in some instances involving large sums. There is no court having civil jurisdiction to settle these cases, which necessarily must increase in number and importance, and for which provision should be made. If the Federal court is clothed with power to try an Indian's right to life itself, or for an assault on his life, I see no reason why it may not be empowered to protect his right to property or deny his right of defrauding a citizen of the United States.
>
> The United States district court for the western district of Arkansas has more business than it can possibly attend to, and many cases I would otherwise have presented for the protection of the Indians of this agency have been passed by because of their minor character when compared to more important criminal matters and

the present embarrassment of the court in the multitude of important cases to hear. One serious defect in the administration of justice by this court is that the overwork necessarily prevents the citizen from enjoying the guarantee of the Constitution, a speedy trial. Moreover, owing to the great distances and necessity of traveling horseback, and the fact that witnesses have to attend the court probably three or four times before a case is disposed of, making, may be, a journey in all of from 800 to 1,200 miles, thus punishing them severely in hardship and loss of money and time, many cases are unreported or all knowledge of them denied.

Recently a man named Hill cut his wife's throat and gave her mother a terrible cut in the head. It was impossible to get a doctor to dress her wounds, though payment was guaranteed, for fear of being summoned to this court as a witness. It is certain that stealing and whisky peddling are permitted to go unreported in the majority of cases, rather than incur the expenses of reporting them.

It would save thousands of dollars in mileage if there were located a court more near the center of the Five Nations at Fort Gibson or Muscogee, and would secure a better administration of the laws of the United States as well as save great expense to and be far more satisfactory to the people of this agency.

To the statement that in the Indian Territory United States courts have no jurisdiction in criminal cases to which both parties are Indians there is but a single, and that a very recent, exception. The wanton murder in December last, by two Cherokees, of Samuel Sixkiller, a brave and efficient captain of Indian police, who was at that time walking unarmed in the main street of Muscogee, called special attention to the necessity that some legal protection be given such officers while in the discharge of their lawful duty. This necessity was emphasized by the fact that three months previous some young Cherokees who had been arrested for shooting at deputy marshals are reported to have explained that they thought they were "only shooting at Indian police." At its last session, Congress passed a law providing that any Indian guilty of the crimes of murder, manslaughter, or assault with intent to kill, against the person of any Indian policeman appointed under the laws of the United States, or any Indian United States marshal, while lawfully engaged in the execution of any United States process or other duty imposed upon him by law, "shall be subject to the laws of the United States relating to such crimes, and shall be tried by the district court of the United States exercising criminal jurisdiction where said offense was committed, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases."

This law, however, as shown by recent events, does not go far enough.

The Indian official should be guaranteed a fair trial in case he himself should be charged with being guilty of assault or murder while discharging his official duty. For example, in one case reported by Agent Owen, an Indian posse and accessory in a killing in the performance of duty was condemned by an Indian jury to die for murder, while the principal, the deputy marshal, a United States citizen, was acquitted by the United States court at Fort Smith.

Also this court should take cognizance of an assault upon or attempt to kill an Indian policeman when he is *not* engaged in the performance of his lawful duty, provided such attack springs from malice aroused by a previous performance of duty.

SURPLUS LANDS IN THE INDIAN TERRITORY.

Since the submission of my last report nothing has taken place to change materially the status of the question then discussed as to what shall be done with the surplus lands in the Indian Territory. Two circumstances, however, may ultimately have some important bearing on the matter. One is the fact that a railroad has been constructed penetrating the very heart of the Oklahoma country, and that other proposed railroads are being pushed forward; the other is the passage of the allotment act, which, if put into execution west of 98°, would finally determine the permanent abode of the tribes now occupying that section of the Indian Territory.

Recognizing the great interest felt upon this subject, when I came into office I ventured to offer the following ideas thereon by way of suggestion rather than positive recommendation:

If certain areas of that Territory are not to be held in trust by the United States for the future settlement of friendly Indians, then the policy of removing eastward the Cheyennes and Arapahoes, the Wichitas and the Kiowas and Comanches, is presented for consideration. If any part of the Indian Territory is to be opened to homestead entry and settlement, it should be the western part, running a line north and south through the Territory, and removing all Indians west of that line to lands lying east of said line. Thus the Indians would be upon lands better adapted to their support, and they would also be adjacent to each other and in a more compact form.

As Congress took no action, but continued to agitate the subject, and as the public discussion of it grew in interest throughout the country, I considered it my duty to refer to the subject again, and did so in my report for 1886, from which I make the following extracts:

The vast surplusage of land in the Indian Territory, much of it, too, not surpassed anywhere for fertility and versatility of production, which can never be utilized by the Indians now within its borders nor by their descendants (for it is not probable that there will be any material increase in numbers of Indian population), must sooner or later be disposed of by Congress some way or other. Were all the Indians of the United States to be uprooted and transplanted to this Territory, all living Indians, including those now resident there, could have 158$\frac{1}{11}$ acres each. This is estimating the whole Indian population of the United States, excluding Alaska, at 260,000. As the Indian Territory has an area of 64,222 square miles, or about 520 acres for each person now in the Territory, of course the problem presents itself for public consideration, What disposition or division of the Indian Territory can be justly, fairly, acceptably, and harmoniously made?

The Kiowas and Comanches, the Wichitas and the Cheyennes and Arapahoes, are the only tribes in the Indian Territory located west of longitude 98°. The reservation of the Cheyennes and Arapahoes is simply set aside by Executive order, and the Indians occupying this tract do not hold it by the same tenure with which the Indians in other parts of the Indian Territory possess their reserves.

Below is given an interesting table, showing the whole number of acres in the Indian Territory east and the whole number west of longitude 98°, and the distribution of population:

Total number of acres in Indian Territory	41,102,546
Number of acres in Indian Territory west of 98°	13,740,223
Number of acres in Indian Territory east of 98°	27,362,323
Number of acres of *unoccupied* lands in Indian Territory east of 98°	3,683,605
Number of Indians in Indian Territory west of 98°	7,616
Number of Indians in Indian Territory east of 98°	68,183
Total number of Indians now in Indian Territory	75,799
Number of acres each Indian would have if unoccupied lands east of 98° were divided equally among Indians now living west of 98°	483
Number of acres each Indian would have if all lands east of 98° were divided equally among all Indians now in Indian Territory	359

It is apparent that, as there are now only 7,616 Indians west of longitude 98°, if these Indians were placed on the 3,683,605 acres of unoccupied lands east of that meridian, each Indian would have 483 acres, an area of land far in excess of what he would need. But we also see from this table that there are west of 98°, including Greer county, 13,740,223 acres, which would be sufficient to furnish homes of 100 acres each to 137,402 people; and supposing each settler to have five in his family, it would support a population of 687,010 souls. Add to this "No Man's Land," lying immediately west and adjoining, containing 3,672,640 acres, and we see at once that there is territory enough in those two areas to found a State equal in size to many States of this Union. Another advantage of this arrangement would be that the Indians would be together in a more compact form, while the whites would be by themselves.

When my last report was made the time and circumstances were auspicious for the adoption of these suggestions, if Congress entertained them at all, for the reason that at that time the Indians west of 98°, especially the Cheyennes and Arapahoes, had been severely admonished by the Government, by a display of military force, that they would no longer be permitted to obstruct those of their tribe who desired to adopt the white man's way. To this admonition almost universal heed was given, and a large number at once began to prepare for settling down and cultivating the soil. In consequence of this recent change in their wishes and habits, very many houses have been erected and a large acreage of sod broken and extensive crops cultivated. A year ago these Indians had less to attach them to their homes than they now have, and therefore their removal east would have been less distasteful then than now. Nevertheless, as the distance is short and the lands to which they might be moved are much superior to those which they now occupy, I doubt not that, by paying them for their improvements or by making similar improvements on their new homes, they would cheerfully obey the wish of Congress should that body conclude to remove them to Oklahoma or to some other fertile unoccupied lands east of 98°. It becomes apparent that if it should be the desire of Congress to dispose of this section of the Indian Territory, it will be attended with embarrassment even now, and of course, as the Indians open and improve farms and build houses and prepare to live, they will become more attached to their homes and less disposed to emigrate, even to better lands which are but a short distance away.

My apology, if apology is needed, for presenting these facts and suggestions somewhat earnestly, arises from my deep conviction that the proposition to throw open Oklahoma to white settlement, surrounded as it is by Indians on three sides, would be an experiment dangerous to all concerned, and especially would the Indians west of Oklahoma be abraded and eventually obliterated by the surging waves of white population striking upon them from all directions. This subject is of very great importance; and in view of the persistent efforts which have been made by parties more or less organized to possess themselves of lands within the Indian Territory regardless of law and the rights of these Indians, and in view, too, of the action of a large

number of Representatives as expressed by bills presented and speeches made in Congress, I feel it my duty especially to invoke your consideration of the subject.

If any portion of the Indian Territory is to be opened to white settlement, then I think the suggestions which I have offered are the most practical and would cause the least possible dissatisfaction and injury to the Indians. But until Congress takes definite action upon this subject this office will feel it to be its duty to press forward the settling upon lands or homesteads of all the Indians west of Oklahoma, and to encourage them to open farms, erect houses, and make other improvements as rapidly as possible; for no time ought to be lost in teaching these people to support themselves, and to stop all work and improvement would throw them into a state of idleness which would soon lead to crime and disorder, if not to actual conflict among themselves and with their white neighbors.

As the question still remains undecided before Congress and the country, and more than ever increases in interest, I have repeated herewith views indicated in my former reports; and I again offer the recommendation that Congress authorize the Department to appoint a commission which shall visit the tribes now living west of 98°, and ascertain their views on the question of removal to other suitable lands in the Indian Territory east of that meridian.

ATTEMPTED SETTLEMENTS IN INDIAN TERRITORY.

The effective system of policing adopted by the military stationed in the Territory has had the effect of discouraging any further concerted movement on the Oklahoma lands during the past year. Some few straggling parties have been discovered and promptly removed by the troops.

The efficiency and prudence with which this policy of the Government has been executed by Col. E. V. Sumner, U. S. Army, who has been in command most of the time during the last two years, entitles this officer to merited praise. While vigorously executing official orders he has abstained from any harsh or unnecessary exercise of military power towards the citizens of States adjoining the Territory who have sought to effect a lodgment in Oklahoma.

INTRUDERS AND DISPUTED CITIZENSHIP IN THE INDIAN TERRITORY.

Since the last annual report no change has occurred in the status of this question except in the Cherokee Nation. In December last the Cherokee council passed an act (approved December 8, 1886) "providing for the appointment of a commission to try and determine applications for Cherokee citizenship." This act vests the determination of all claims to citizenship, by blood or descent, in a commission of three citizens of the Cherokee Nation, whose decision is final. The act is based upon the opinion of the Supreme Court in the case of the Eastern band of Cherokee Indians *vs.* The United States and the Cherokee Nation (117 U. S., 311).

Under that opinion the Department recognizes the exclusive right of the Cherokee Nation to admit or readmit Cherokees to the rights of

citizenship, and accepts its results so far as those claimants are concerned, who have gone into the nation since the 11th of August, 1886 (the date on which Agent Owen was instructed as to the effect of said opinion), and also as to those who may hereafter enter; but the Department declines to be governed by the decisions of the commission as to those who went into the nation, claiming the rights of Cherokees, prior to that date. The status of such persons therefore remains unchanged.

Many of them have been denied the rights of citizenship, and the Cherokee authorities have requested the Department to remove them as intruders. This the Department declines to do, when they show prima facie that they are of Cherokee blood. The Cherokee commission has declared some of these persons to be intruders, who located in the Cherokee Nation long prior to the 11th of August, 1886, claiming and believing that they were of Cherokee blood, and therefore entitled to share in the lands and annuities of the nation. They have in some instances made valuable improvements in the way of buildings and opening farms, and putting them in a state of cultivation. For the Department summarily to eject these persons from the limits of the nation, without just and fair compensation for their improvements, would seem to be an unjust if not a heartless procedure.

Some method by which these cases may be disposed of, and those claimants who have gone into the nation in good faith and are of Cherokee blood accorded their rights, or, if denied such rights, paid for their improvements, should be provided by legislation, it being, as it appears, impossible to reach such result by mutual agreement. This subject should be considered by Congress at its next session.

FREEDMEN IN THE CHICKASAW NATION.

The report of Agent Owen represents the freedmen who live in the Chickasaw Nation as being in a deplorable condition. They are landless in a territory which has 4,650,935 acres, and where the Chickasaw inhabitants are entitled to 775 acres per capita. They are without schools or school facilities. They are recognized neither as citizens of the United States nor as Chickasaws. In fact, as Agent Owen describes their anomalous position, they are neither "fish, flesh, nor fowl." Nevertheless they are human beings, who are entitled to the sympathy and protection of the Government.

By the third article of the treaty of 1866, the Choctaws and Chickasaws, in consideration of the sum of $300,000, ceded to the United States the territory west of the 98th degree of west longitude, known as the "leased district," with the provision that this $300,000 should be invested and held by the United States, in trust for said nation, at not less than 5 per cent. interest, until the legislatures of the two nations should respectively make such laws as might be necessary—

To give persons of African descent, resident in said nations at the date of the treaty of Fort Smith, and their descendants heretofore held in slavery among said nations all the rights, privileges, and immunities, including the right of suffrage of citizens

of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 40 acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, * * * ; and immediately on the enactment of such laws, rules, and regulations, the said sum of $300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter—less such sum, at the rate of $100 per capita, as shall be sufficient to pay such persons of African descent before referred to as, within ninety days after the passage of such laws, rules, and regulations, shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of $300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory, in such manner as the United States shall deem proper—the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove—

Those remaining or returning after removal to be on the same footing as other citizens of the United States.

The forty-sixth article of the same treaty provided that—

Of the moneys stipulated to be paid to the Choctaws and Chickasaws under this treaty for the cession of the leased district * * * the sum of $150,000 shall be advanced and paid to the Choctaws, and $50,000 to the Chickasaws, through their respective treasurers as soon as practicable after the ratification of this treaty.

Without waiting for the Choctaws and Chickasaws to comply with the requirements of the treaty, in July, 1866, Congress appropriated $200,000, which was paid these nations *in advance*. Also in 1867 and 1869 two appropriations of $15,000 each were made as interest on the $300,000. This $30,000 was also paid these nations.

Meantime, on November 9, 1866, the Chickasaw legislature passed an act declaring it to be the unanimous desire of the legislature that the United States keep and hold the sum of $300,000 for the benefit of the negroes and requesting the governor "to notify the Government of the United States that it is the wish of the legislature of the Chickasaw Nation for the Government to remove said negroes from the limits of the Chickasaw Nation according to said third article of the treaty of April, 1866."

The following month the freedmen also memorialized the Government, stating that the bitter feeling of the Chickasaws toward them and the willingness of the Chickasaws to give up their proportion of the $300,000 rendered them anxious to leave that nation, and to settle on any land designated by the Government, and they asked that the Government provide transportation for themselves and families, and supplies sufficient to enable them to make a start in their new homes. To this petition no attention was paid. Nearly two years passed and on June 27, 1868, the freedmen again sent in a petition to the same effect; which was laid before Congress, but no action taken. August 17, 1868, both the Choctaw and Chickasaw Nations urged the Government to fulfill its pledges and remove the freedmen. In February, 1869, a delegation of

freedmen came to Washington, at the expense of the Government, to submit a memorial urging the fulfillment on the part of the Government of that treaty stipulation in regard to their people. From this effort nothing resulted. About this time the suggestion came from various sources that a tract west of the Seminole Nation would be suitable land on which to locate the freedmen.

January 10, 1873, an act was passed by the Chickasaw legislature entitled "An act to adopt the negroes of the Chickasaw Nation," which declared all negroes belonging to Chickasaws at the time of the adoption of the treaty at Fort Smith, and resident in the nation at the date thereof, and their descendants, to be adopted in conformity with the third article of the treaty of 1866; provided, that the proportional part of the $300,000 specified in said article, with the accrued interest thereon, should be paid to the Chickasaw Nation for its sole use and benefit; and provided further, that the said adopted negroes should not be entitled to any part of said $300,000, nor to any benefit from the principal and interest of invested funds, nor to any share in the common domain except the 40 acres provided in the treaty, nor to any privileges or rights not conferred by the treaty; and provided further, that said adopted negroes should be subject to the jurisdiction and laws of the Chickasaw Nation just as if said negroes were Chickasaws. This act was to have full force and effect from and after its approval by the proper authority of the United States. It was transmitted to Congress by the Secretary of the Interior, February 10, 1873, who recommended that such legislation be had by Congress as would extend the time for the execution in all respects of the provisions of the third article of the treaty of 1866 for the term of two years from the 1st of July, 1873. The subject was referred to the committee on freedmen's affairs February 13, 1873, and ordered to be printed. No further action appears to have been taken. (See annual report of this office for 1882, page lvii, and H. R. Ex. Doc. No. 207, Forty-second Congress, second session.) By this failure of Congress to take action the one favorable opportunity for the adoption by the Chickasaws of their freedmen was lost. Since then all Chickasaw action has looked toward the removal of the freedmen.

December 30, 1875, Hon. J. P. C. Shanks, who had been appointed in March previous to investigate and report upon the status of the freedmen among the Choctaws and Chickasaws, submitted his report in which he opposed the removal of the freedmen and recommended that the United States take measures to secure their recognition as full citizens in those nations. Upon this report no action appears to have been taken.

In 1876 and 1879, the Chickasaw legislature authorized the appointment of commissioners to confer with like commissioners from the Choctaw Nation on the freedmen question.

During much of this time the Choctaws had manifested a willingness to adopt their freedmen, but it had been held that under the treaty

the joint or concurrent action of both nations was required in order to make valid the action of either. On November 2, 1880, the Choctaw legislature memorialized Congress expressing their willingness to accept their freedmen as citizens, and asking for legislation that would enable them to do so. A Senate bill, which was never reported, was the sole result of this effort.

In 1882, in order to give the freedmen of these two nations some school facilities, the following clause was inserted in the Indian appropriation bill of May 17:

That the sum of ten thousand dollars is hereby appropriated out of the three hundred thousand dollars reserved by the third article of the treaty with the Choctaws and Chickasaws concluded April eighth, eighteen hundred and sixty-six, for the purpose of educating freedmen in said tribes, to be expended under the direction of the Secretary of the Interior, three-fourths thereof for the freedmen among the Choctaws and one-fourth for the freedmen among the Chickasaws: *Provided*, That said sum of ten thousand dollars shall be deducted in like proportion from any moneys in this act appropriated to be paid said Choctaws and Chickasaws: *And provided further*, That either of said tribes may, before such expenditure, adopt and provide for the freedmen in said tribe in accordance with said third article, and in such case the money herein provided for such education in said tribe shall be paid over to said tribe, to be taken from the unpaid balance of the three hundred thousand dollars due said tribe.

Under this legislation the Choctaws adopted their freedmen and the balance of the share of the Choctaws in the $300,000 was placed to the credit of the Choctaws on the books of the United States Treasury.

The account for both nations was stated as follows: From the $300,000 should be deducted, not only the $200,000 appropriated and paid over immediately upon the proclamation of the treaty, but also the two years' interest on that $200,000, which for some unknown reason was also appropriated:

Residue of $300,000 unappropriated		$100,000
Amount appropriated as interest on $300,000 for year ending June 10, 1867	$15,000	
Deduct amount of appropriation of interest for said year on $100,000	5,000	
		10,000
Leaving		90,000
Amount appropriated as interest on $300,000 for year ending June 10, 1868	15,000	
Deduct amount of appropriation of interest for said year on $90,000	4,500	
		10,500
Leaving		79,500
From this amount should be deducted the sum appropriated by act approved May 17, 1882		10,000
Leaving		69,500

to be paid the Choctaws and Chickasaws in case they adopted their freedmen. Of this their three-fourths share, amounting to $52,125, was appropriated and placed to the credit of the Choctaws.

Inasmuch as the Chickasaws seem to have definitely decided not to adopt their freedmen, there remains of the $300,000, $17,375, which should be appropriated to assist those freedmen in removing from the Chickasaw country, and there should be recovered from the Chickasaws for the same purpose the $55,125 which has been paid them, and to which they have had no shadow of claim. This, with a sum of $2,500, which has already been recouped from the Chickasaws and expended for the education of their freedmen, under the provision of the act of May 17, 1882, quoted above, makes up the Chickasaw one-fourth of the $300,000 named in the treaty.

In January last the delegates of the Chickasaw Nation addressed a memorial to the President, in which, after reciting the provisions of the treaty of April 28, 1866, with the Choctaws and Chickasaws relative to the freedmen in those nations, and the action of the Chickasaws thereunder, they earnestly asked—

The United States to fulfill the treaty of 1866 by removing without delay to the leased district west of the ninety-eighth meridian of longitude, or to the Oklahoma country, ceded by the Creek treaty of 1866, or elsewhere, all the freedmen who shall consent to such removal, and by placing all those who shall refuse to go on the same footing as other citizens of the United States in the Chickasaw Nation.

During the year several complaints have been received from the freedmen relative to the denial of their rights, and particularly as to the utter lack of educational facilities. Recently Agent Owen held a conference with some of the leading freedmen, at which they expressed a desire to remain in the nation if their rights, especially in the matter of schools, could be accorded them, but signified their willingness to submit to the decision of the Government. The Chickasaw authorities positively refuse to take any steps looking to their adoption, and even refuse to provide for their education. This reluctance to carry out the stipulations of the treaty is doubtless caused in great measure by the fear that the freedmen will outvote the Chickasaws, they being fully as numerous as the Indians. These people, therefore, whose rights, protection, and education were guaranteed by treaty, are left in ignorance, without civil or political rights, and with no hope of improvement.

Under these circumstances, I believe their removal from the Nation is the only practicable method by which they can be afforded educational and other privileges. It has been decided by Judge Parker, of the district court of the western district of Arkansas, that the United States may settle freedmen belonging to the five civilized tribes upon lands acquired from the Seminoles and Creeks, and Agent Owen suggests that the Chickasaw freedmen be removed to that portion of Oklahoma lying on the Canadian river, west of the Pottawatomie reservation.

Many of the freedmen have doubtless made improvements on the lands which they and their fathers have occupied but not possessed; and if, because they can acquire no title thereto, they are forced to

abandon those improvements, it would be but sheer justice to pay them the full value thereof, in addition to the $100 per capita which the treaty promised them if they should emigrate.

I have no reason to suppose that the Chickasaws would object to legislation requiring them to return the $55,125 to the United States, provided, by the same legislation, they could be relieved of the presence of their freedmen. Congress has heretofore been asked to enact the necessary legislation for the removal of these freedmen, and in my opinion the recommendation should be renewed. A special report upon the subject with a draft of the necessary legislation will be prepared and submitted for your consideration before the meeting of Congress.

TITLE OF PAWNEES TO THAT PORTION OF THEIR RESERVATION CEDED TO UNITED STATES BY CREEKS.

A portion of the lands set apart to the Pawnees as a reservation, under the act of April 19, 1876 (19 Stats., 28), comprising 53,005.96 acres, was ceded to the United States by the Creeks by the third article of the treaty of June 14, 1866 (14 Stats., 785). Full payment for this land at 30 cents per acre has been made to the Government from the proceeds of the sale of the Pawnee reservation in Nebraska, but a proper title thereto has not been given the Pawnees. Under the provisions of the act of March 3, 1883 (22 Stats., 603), the Cherokee Nation executed a deed conveying that portion of the Pawnee reservation lying within the Cherokee country to the United States in trust for the use and benefit of the Pawnee tribe. These Indians now desire, and I think they should have, title to that portion of their reservation which lies within the ceded Creek country, and I shall take occasion to make a special report on the subject with a view to obtaining the necessary legislation.

MO-KO-HO-KO BAND OF SAC AND FOX FORMERLY IN KANSAS.

These Indians, who, as stated in my last annual report, were wanderers in Kansas, without any rights there of citizenship or property, have been removed, under instructions from the Department, to the Sac and Fox reservation in the Indian Territory, where they arrived in the early part of November, 1886. They have an abundance of land on said reservation, and by residing there can draw their annuities, which, under the restrictions contained in the treaty with the Sacs and Foxes, made February 18, 1867 (15 Stats., 495), they could not draw so long as they resided elsewhere. Every effort will be made to keep these Indians on their reservation, and to induce them to engage in civilized pursuits and send their children to school. Their head men were opposed to removal and endeavored to prevent enrollment at the Sac and Fox agency, but were compelled to yield. They are now enrolled, and are drawing their annuities as other members of the Sac and Fox tribe, and I trust will cause no further trouble.

BLACK BOB SHAWNEE LANDS IN KANSAS.

In my last annual report I referred to the report and accompanying papers submitted by Special Agent E. E. White, on April 8, 1886, relative to his investigations in regard to twenty-five deeds of conveyance of lands in Kansas from members of the Black Bob band of Shawnee Indians, or their descendants or representatives, to Thomas Carney, filed in this office for approval on October 30, 1885. On examination of the report I have concluded that $3 per acre, the consideration named in each deed, is grossly inadequate. The special agent, after making a thorough investigation, estimates the value of the lands exclusive of improvements thereon at from $10 to $35 per acre, the average value being $19.50 per acre, and the average values of the land and improvements at $29.40 per acre. The following is quoted from Mr. White's report:

> Finding the consideration named in each of the twenty-five deeds in question so greatly insufficient, and also that base misrepresentations and gross fraud were used to procure the same to induce the Indians to sell at the low price of $3 per acre, I recommend that none of them be approved.

In view of the question of fraud thus presented, and of conspiracy relative to the procurement of said deeds, also raised by said report, and of the apparent inadequacy of the consideration, the subject was submitted to the Department, under date of February 25, 1887. A full history of the Black Bob Shawnee lands was given, and I stated that in my opinion the lands embraced in said twenty-five deeds, and all other lands patented to members of said band, conveyances of which had not been declared valid by decree of the United States circuit court for the district of Kansas, under the joint resolution approved March 3, 1879 (20 Stat., 488), or the title to which had not passed by approval of the Secretary of the Interior, and also the improvements thereon, should be appraised separately and the lands sold (with the consent of the Indians severally to whom the same were patented) to the highest bidder, the bona fide settler to have the preference right to purchase the tract resided upon and improved by him; and in case a settler should fail to purchase within a specified time and the land should be sold to any other than a settler, the purchaser to pay the settler the appraised value of his improvements; the proceeds of the sale of the lands to be for the benefit of the Indians severally entitled thereto, subject to refundment therefrom to the grantee in said twenty-five deeds (Mr. Carney), of the consideration money paid by him, if, in the opinion of the Attorney-General, he should be equitably entitled thereto. With this report was inclosed a draft of a bill, in duplicate, covering the points indicated, and copies of all papers bearing on the subject, with the recommendation that the matter be laid before Congress with request for favorable consideration. The Department concurred, and presented the subject to each branch of Congress. (See Senate Ex. Doc. No. 111, 49th Congress, 2d session.)

Under date of April 7, 1887, the Attorney-General (to whom the question of the alleged conspiracy, as well as the equitable right of Mr. Carney to refundment in the event of the lands being disposed of to other parties, was submitted) transmitted to the Department a copy of a report on the subject by the United States district attorney for Kansas, dated April 1, 1887, inclosing a large number of affidavits to the effect that $3 per acre is the full value of the lands covered by said twenty-five deeds, exclusive of improvements. The United States attorney stated in his report that, in his opinion, no conspiracy was formed nor fraud practiced to such an extent as to defeat the equity of the grantee in said twenty-five deeds of refundment of the money paid by him for the lands covered thereby, in the event the lands should afterwards be disposed of to other purchasers. The question of the approval of these deeds was again brought up and a hearing given by the Department to the parties in interest. By letter of June 25, 1887, the Department advised this office that full consideration had been given the subject, and that for the reasons set out in a report of the Assistant Attorney-General, therewith transmitted, the Department declined to approve said deeds.

The land in question lies in Johnson county, Kans., from 6 to 12 miles from Olathe, the county-seat, and distant from Kansas City from 16 to 22 miles, and is penetrated by a railway. Very strong evidence as to the inadequacy of $3 per acre as consideration for said land is furnished by the offer of some of the settlers thereon in letter to this office, dated January 31, 1887, to purchase the lands on which they reside at $6 per acre. I believe that justice to the Indians and the protection of the settlers, who, though trespassers, have equities that should not be overlooked, alike require action by Congress as indicated.

SALE OF IOWA AND SAC AND FOX RESERVATIONS IN KANSAS AND NEBRASKA.

The bill amendatory of the act of March 3, 1885 (23 Stats., 351), providing for the appraisement and sale of these reservations, referred to in my last annual report, became a law on the 8th of January last (24 Stats., 367). Councils have since been held with each of the tribes and the nearly unanimous consent of the Iowas to the provisions of the act, as amended, has been obtained. The General Land Office has been instructed to cause the necessary surveys to be made on the Iowa reservation, preliminary to its appraisement and sale.

The consent of a majority of the male adults of the Sac and Fox tribe to the provisions of the act was not obtained.

THE WHITE EARTH RESERVATION IN MINNESOTA.

The Indians of this reservation are for the most part fully prepared for individual allotments, and very many have already had lands assigned to them under the provisions of the seventh article of the treaty

of April 18, 1867 (Stat. 16, p. 719). There are others, however, who never applied for allotments under said treaty, but are now anxious to have their lands in severalty, seeing the positive benefits resulting to those who have tried the experiment. All the Indians desire to secure permanent title by patent for their individual tracts. As already stated the prevailing sentiment amongst them is very strong for the ratification of the agreement entered into last summer with the Northwest Indian Commission. There would be no authority under the general allotment act for the removal and settlement at White Earth of the kindred tribes occupying the Lake Winnebagoshish, Leech Lake, Cass Lake, and White Oak Point reservations, and the Gull River and other scattered bands on the Mississippi river; and for that and other reasons of perhaps equal importance, the question of the ratification of said agreement which is now pending in Congress is one of great moment to all the Indians concerned.

RESERVOIRS AT THE HEADWATERS OF THE MISSISSIPPI.

In my last annual report I expressed the hope that the then recently-appointed Commission (Northwest Indian Commission) would arrange a satisfactory basis upon which a just settlement could be had with the Chippewas for the losses and injuries sustained by them in the construction by the Government of dams and reservoirs at the headwaters of the Mississippi river, in Minnesota. The history of this matter has been fully set forth in former annual reports of this office. The agreement made with the Chippewas last summer by said Commission provides, as was hoped, for the settlement of this claim.

The Commission examined into and made an award of damages for losses and injuries sustained by the Indians, and agreed that the United States should pay the sum of $150,000 in full satisfaction for such losses and injuries, $100,000 to the Pillager and Lake Winnibigoshish bands, and $50,000 to the Mississippi bands; the money to be distributed per capita, in cash, in two equal yearly installments.

The Commissioners, speaking of their award, say:

> The benefits to the public to be derived from the construction of these dams, which will be lasting, is incalculable, and the Indians are justly entitled to proper indemnification. We consider our award just, and by no means excessive.

If the agreement entered into with the Chippewas meets with favorable action by Congress, a satisfactory adjustment of this claim (the delay in the settlement of which has caused a good deal of ill-feeling on the part of the Indians) will be reached, and, to my mind, this fact furnishes an additional reason for the early ratification of said agreements.

NORTHERN CHEYENNES IN MONTANA.

No returns have been received from the surveys reported as in process of execution last year on lands designed for the location of the Northern Cheyennes in Montana. As soon as I am officially advised

that such surveys have been completed, steps will be taken to locate these Indians under the provisions of the general allotment act, which are regarded as more favorable to them than are the provisions of the homestead laws.

During the summer a party of Northern Cheyennes left the Pine Ridge agency and went to Tongue river with the avowed intention of remaining there. The agent reported that it would be useless to attempt to effect their return without the aid of troops. Military assistance was accordingly invoked, and under date of August 16, 1887, Agent Upshaw reported that 199 Indians had started for Pine Ridge agency under an escort of cavalry. These Indians were very reluctant to return, and only consented to go without resistance, after a two-days' council, in which promises were made that the returning Pine Ridge Cheyennes would be protected from any mistreatment by the Sioux, and that strong statements of the great desire of the Northern Cheyennes to be united at one place would be made to the President.

There is no doubt that most of the Cheyennes at Pine Ridge are greatly dissatisfied with their location, whether justly so or not, and that it would be best to gratify their desire to remove to Montana if it were practicable to do so. With the present information as to the character of the lands on Tongue and Rosebud rivers, I do not think, however, that it would be wise to permit any more Indians to locate there. After those who are now there have had lands allotted them, it can be ascertained whether or not there are any surplus lands available, and the disposition of the Cheyennes at Pine Ridge can then be determined upon.

WINNEBAGO RESERVATION IN NEBRASKA.

Congress having adjourned without favorable action on the bill for the sale of a portion of the Winnebago reservation, steps have been taken to allot the lands under the provisions of the general allotment act, and Miss Alice C. Fletcher is now engaged in the work. When the allotments are completed and patents issued these Indians will be subject to the laws both civil and criminal of the State of Nebraska. Should there be any surplus lands remaining, negotiations can be had for their sale. Thus the ends desired by the bill referred to can be attained without further enabling legislation.

THE NAVAJO INDIANS IN NEW MEXICO AND ARIZONA.

Under date of April 6, 1887, I took occasion to call the attention of the Department to the constantly recurring troubles between the non-reservation Navajos and white settlers on the borders of the Navajo reservation in New Mexico and Arizona, and to present for your consideration a plan of action looking to the ultimate removal and settlement of all these non-reservation Indians upon the Navajo reserve. As the result of this correspondence a special agent of this office has been ordered to the Navajo country, with a view to effecting that much desired object.

It is estimated that there are between 7,000 and 8,000 Navajos scattered over the country beyond the limits of their reservation, on its east, south, and southwest borders. They are native to the soil, and have always lived there or in that vicinity. Although a reservation was set apart for them as far back as 1863, the Government, presumably from motives of economy, has never compelled them to go upon it, preferring to allow them to make their own living where they are, rather than to force them upon the reservation, to be fed and clothed at the public expense. They have been peaceable and entirely self-supporting, and have tried to give as little offense as possible. Until the advent of the railroad, conflicts between them and the whites were quite unheard-of.

The region of country occupied by them would be uninhabitable but for the small springs, which afford the only water to be found there. Though not very numerous, they are absolutely indispensable to the Indians in the care of their flocks. Being alike indispensable to the whites now settling in the country, a constant struggle is going on for possession. The whites demand the removal of the Indians to their proper reservation, and the Indians seek protection from the encroachments of the whites. They are in dangerous contact, and frequent fatal collisions have occurred.

It is manifest that the Indians cannot remain in peace where they are, and until the reservation is supplied with better water facilities they have nowhere else to go. Although the reservation contains upwards of 8,000,000 acres, it is incapable of sustaining the immense flocks of sheep and goats owned by the Navajos. It is mostly rock and desert, water is scarce and alkaline, pasturage scanty, and the "arable land" consists of scattered tracts of sand and débris formed by wash and erosion near springs and the water-courses of short-lived spring torrents The reservation has been increased from time to time, but to no good purpose, so far as can be seen. Were it capable of sustaining the numerous flocks and herds owned by the Navajos, it might be proper to insist that the non-reservation Indians should remove and settle within its limits, as was agreed by them in the treaty of 1868; but it would be unwise, inhuman, and perhaps dangerous to the peace of the country to attempt to put the non-reservation Indians on the reserve before the water works now in process of construction shall have been completed, or at least sufficiently far advanced to remove all doubt as to their successful completion.

Furthermore, it would be idle to attempt to settle any considerable number of the non-reservation Indians upon individual tracts under the homestead laws or the more recent general allotment act. They are nomadic in their habits, partly of necessity, owing to the scarcity of water. They can not keep their flocks in that arid region without frequently moving from place to place. Neither can it be expected that

they will ever become an agricultural people where they are, for the sufficient reason that the land is not at all suitable for cultivation.

It has been frequently suggested to the Indians that they might reduce the number and improve the quality of their sheep as a means of lessening their difficulties (they own 1,500,000 sheep and goats and 80,000 horses); but they declare that they have tried it and can do nothing with high-grade sheep, and they insist that the country is not adapted to the successful raising of any better grade than they now have. It appears that some experiments have been made in that direction, but without success. The Indians are not likely to bestow the care upon their flocks that is required in raising the better grades, and they greatly prefer the lower grades as an article of food supply.

The special agent is sent to the Navajos with the intention of inducing as many of them to remove to the reservation as can safely be provided for there. In this number it is not proposed to include the owners of extensive ranches with valuable fixed improvements, of whom there are understood to be several, unless they may prefer to make their homeson the reservation. Before making any attempt to induce the Indians to remove to the reservation, the special agent is expected to confer with the agent of the Navajos, and to obtain by personal investigation a full knowledge of the capacity of the reservation for supporting a largely increased population now or when the water facilities shall have been improved. He will advise those who own valuable ranches outside the reservation limits to avail themselves of the privileges of the general allotment act, and will instruct them how to proceed. It might prove ruinous to some to remove from their present homes, but ultimately the great body of the non-reservation Indians must find homes on the reservation. It is to be hoped that the special agent's visit will tend to allay the bitterness which of late has existed between the Indians and settlers, and that a good beginning may be made toward the desired removal and settlement of the great body of non-reservation Indians within the boundaries of their reserve.

From what has been said it is manifest that there is imperative need of developing whatever irrigating resources the Navajo reserve possesses. The effort made in this direction during the past year has been unexpectedly encouraging. The work has been done at eighteen points on the reserve, their distances apart varying from half a mile to 100 miles. Five substantial stone and timber dams have been built, fourteen reservoirs have been excavated from 2 to 15 feet deep—some small, others covering several acres, and all surrounded by good embankments—and over 6 miles of irrigating ditches have been taken out. The most hopeful feature has been the opening up of fifteen springs, most of which by being dug out and walled up have been transformed from worthless mudholes into clear pools containing sufficient living water for thousands of head of stock and for irrigating hundreds of acres of adjoining land. In the mud removed from one spring which now has

water 10 feet deep, there is reported to have been found the bones of a mastodon. As this work progresses during another season many other springs and watering places which have been found will be put into usable condition, and possibly by persevering in this work and by utilizing every small water source upon the reserve a fair opportunity to make a civilized living may be given the Navajos. Such a work, however, carried on at many and widely separated points, must of necessity be slow and expensive.

While upon this subject, I desire to refer briefly to the condition of affairs in the—

SAN JUAN RIVER COUNTRY, NEW MEXICO.

By an Executive order dated April 24, 1886, all those portions of townships 29 north, ranges 14, 15, and 16 west, north of the San Juan river, were restored to the Navajo Indian reservation. This strip of territory formerly belonged to the Navajo reservation, but was restored to the public domain by Executive order of May 17, 1884, whereupon white settlers immediately went upon the lands, and their settlements cut the Indians completely off from access to the river with their flocks and herds. It was to correct this evil, and to right a manifest injustice to the Indians, that the lands were restored to the Indian reservation.

Many of the Indians had long resided in the vicinity of the San Juan, and cultivated lands in the fractional townships referred to. The river afforded the only water supply they had, and this was true also of all who kept their flocks in that part of the Navajo reserve. To take the lands along the river from them, was to render the whole reservation for 50 miles or more south entirely uninhabitable both for man and beast. The Indians complained bitterly, and it is due to their forbearance as much perhaps as to the presence of troops, that bloodshed was prevented.

Although the lands were restored to the Indians by competent authority, the settlers would not give up possession of the lands which they held, nor allow the Indians to cross the same with their flocks and herds to reach the water. Being repeatedly warned of the danger of an outbreak, the Department determined to insist that the settlers should not interfere with the access of the Indians to the river, and that they should not occupy or use any land except that which was covered by their filings, and not even that to the exclusion of the Indians from access to the river with their flocks and herds.

The Department was not disposed to require the removal of the settlers who had settled upon the lands in good faith, in advance of the final determination of their claims, and until they should be paid for their improvements, unless such removal should be found necessary for the preservation of peace and the security of life and property in the locality; and it was with that understanding that the War Department was requested to station a military force there of sufficient strength to

preserve the peace, maintain good order, and prevent disturbances. Subsequently, however, it was deemed absolutely necessary to remove the settlers from the reservation in order to prevent a threatened outbreak on the part of one of the most powerful Indian tribes in the country. General Grierson, commanding the district of New Mexico, reported to the department commander, under date of June 10, 1887, as follows:

The bitterness of feeling openly manifested by the claimants on both sides is such as never to be reconciled except by the dispossessing of one party or the other, and no division of the disputed territory can be made which would avert the threatened strife now so plainly foreshadowed.

The Indians have recently been procuring an ample supply of the best ammunition obtainable, believing that it is necessary for them to do so for self-defense, and although peaceably disposed, there is a settled determination in their minds to maintain these possessions and their just rights as they understand them, at all hazards. They can not see why they should be deprived of what properly belongs to them, and they clearly understand that the entire strip of land on the south side of the river, although claimed by white settlers, has again become, by order of the President, a part of their reservation, and while their forbearance under trying circumstances has been exceedingly commendable, it is both unwise and unsafe to further rely upon their hitherto peaceable disposition and still permit what the Indians honestly believe a great injustice to be longer inflicted upon them. * * * The few settlers still on the river, within the limits of the disputed tract of land, should be *removed at once*, and those absent therefrom should not, in any event, be permitted to return thereto.

Upon the receipt, from the War Department, of General Grierson's report, recommendation was made to the Secretary of War "that the proper military commander be instructed that if the parties remaining upon their claims in the disputed country do not remove therefrom within a reasonable time, such measures for their removal be taken as, in his judgment, are necessary to preserve peace and good order in the locality between the Indians and the white settlers generally." Under date of July 18, 1887, the Secretary of War advised this Department that the subject had been referred to the Lieutenant-General of the Army, with a view to having the wishes of this Department carried into effect. I am not aware of any further trouble having been reported.

In my judgment, the settlers should be indemnified for whatever loss of improvements they may have sustained by their enforced removal, but this can be done only by Congress.

JICARILLA APACHES.

The Jicarilla Apaches who, some five years ago, were removed from their original location near Amargo, N. Mex., and placed with the Mescalero Indians under the Mescalero agency, never became satisfied with the change, but continued to be restless, taking little interest in agriculture or schools, their thoughts constantly turning to their old homes. Finally some 200 of them left Mescalero agency and camped in a starving condition, near the pueblo of San Ildefonse, about 25 miles from Santa Fé, where they were looked after temporarily and a limited supply of

food was provided for them through the agent of the Pueblo agency. They declared that they would not voluntarily return to their agency, preferring rather to starve where they were; but they promised if they and the balance of the tribe still at Mescalero, who were anxious to join them, were allowed to return to their old location they would take up homesteads and settle down peaceably to agricultural pursuits.

I personally visited these Indians late in the fall of 1886, held a council with them, and found them willing and desirous to obey the orders of this office provided they could be allowed to return to their old home near Amargo. I was of the opinion, which was concurred in by the War Department, that if these Jicarillas should be forced to return to Mescalero serious trouble might ensue; that they could not be depended upon to remain there quietly, and that at any rate they were not likely, at Mescalero, to make any effort toward advancement. It therefore seemed best for them and to the best interests of the Government that their wishes be complied with, and after consultation with the War Department it was decided to locate them on land in severalty either on their old reservation or on public land in the immediate vicinity.

For the purpose of carrying out these views Special Agent Welton was instructed, under date of 18th of December last, to go to Santa Fé and such other places as might be necessary, to consult with the Indians, and if he found them willing to go there, to select a tract of land for them in northern New Mexico. He reported that all, in the most earnest and emphatic terms, expressed a desire to go, and agreed that they would gladly take lands there in severalty and place all their children in an industrial school as soon as one should be established for them.

After making an examination of the proposed location the special agent selected a tract on the extreme northern boundary of New Mexico and immediately adjoining the Southern Ute agency in Colorado, which he reported to be well suited in every respect as a home for the Jicarillas. On the 11th of February last, by Executive order, this tract was set apart as their reservation.

On the 24th of the following March Special Agent Welton was instructed to proceed to Mescalero agency and to bring the Jicarillas who had remained there to the new location, arranging for those in camp near Espanola to join him on the way. On the 11th of the following June he reported his arrival at the new reservation with all the Jicarilla Apaches, both those from Mescalero and those from Espanola, together with their annuity goods and subsistence supplies for the fiscal year 1887, except a small quantity of flour which they were compelled to leave at Santa Fé, for lack of transportation. The manner of this removal was very satisfactory. It was accomplished without casualty; the Indians behaved well on the march of over 560 miles, being guilty of no insubordination or depredation; no extra expense was necessary nor liability incurred; and they are now peaceably settled on their

new reservation. Much of the success attending the removal is due to the valuable assistance rendered by military authorities, particularly by General Grierson who neglected no opportunity to promote the success of the enterprise.

In the interests of economy the Jicarillas and their new reservation have been attached to the Southern Ute agency, as a subagency, under the care of the regular agent of the Southern Utes, and on the 24th of August last Agent Stoltsteimer relieved the special agent and assumed charge of the new reservation as part of his own agency.

I trust that these Indians are now permanently located. They are contented and happy, and are anxious to have their lands allotted to them in severalty, that they may engage in agriculture and support themselves. The allotments will be made at an early day, or so soon as the necessary surveys can be completed. Comfortable houses will be provided for them as soon as practicable. A physician has been appointed to look after their wants; an industrial school will be established in the near future; an experienced farmer, an assistant farmer, and a carpenter and blacksmith will be furnished them, together with such farming utensils, stock, fence material, etc., as they may require, at the proper time, and I confidently look for better times for them in the near future, and a marked advance on their part toward civilization and self-support.

PUEBLO INDIANS OF NEW MEXICO.

In my annual report for 1885 I drew especial attention to the anomalous condition of the Pueblo Indians of New Mexico, and suggested that measures be taken by Congress to define their true status, and for the protection of their lands and property, which it is abundantly manifest they themselves are not able to protect. Congress, however, failed to take action in the matter, and recently it appears that the Territorial authorities of New Mexico are again seeking to tax their lands, notably in the cases of the pueblo of Isleta and the pueblo of Cochite, the former of which has been assessed in the sum of $27,520.08, and the latter in the sum of $6,064.12.

These Indians may be said to be practically "land-poor." They have large tracts originally held under old Spanish grants, confirmed to them by act of Congress, and even if the taxes be legally assessed they have no money wherewith to pay them. The enforcement of payment by a sale of their lands would leave them paupers, dependent on the charity of the Government.

With your concurrence, the question of the liability of the Pueblo Indians to Territorial taxation has been referred to the Hon. Attorney-General, in order that the United States attorney for the district of New Mexico may investigate the matter and give his opinion thereon. It is a subject of vital importance to these poor and benighted Indians, and I still deem it to be one which eminently demands the attention of Congress.

SENECA RESERVATIONS IN NEW YORK.

In the settlement of the controversy between the States of New York and Massachusetts respecting the title to the western part of the former State, comprising what was known as the Genesee country, the State of New York ceded to the Commonwealth of Massachusetts the right of pre-emption of the soil from the native Indians and all other right, title, and property (the right and title of government, sovereignty, and jurisdiction excepted) which the said State of New York had in and to the described lands. Massachusetts subsequently transferred her title to Robert Morris and others, their successors and grantees being now known as the Ogden Land Company. This tract of country included the reservations of the Seneca Indians, now reduced to two, known as Cattaraugus and Allegany.

It is claimed on behalf of the Ogden Land Company that it is possessed of the title in fee to these reservations, subject to the possessory right of the Indians so long only as they actually occupy the reservation as a tribe, while the Indians claim that the fee is vested in them and that the company has merely the right to purchase whenever they choose to sell. The courts have decided (Ogden *vs.* Lee, 6 Hill s, N. Y. Reps., 546) that the Indians are still possessed of their original native title, and that the company has merely the right to purchase. It is feared, however, by the Indians, and very reasonably, I think, that if the lands are allotted in severalty they may lose their tribal relations and that the Ogden Company, owning the pre-emption right, may dispossess them.

In 1873 the agent then in charge of these Indians stated that this apprehension produced an unsettled feeling as to the title to their lands, and prevented them from making improvements.

In 1880 the agent reported that the Senecas would be glad to have the claim of the Ogden Land Company extinguished, and that many of their leading men had expressed a desire to use a portion of their annuity funds to extinguish such claim, "which rests as a cloud upon their title, prevents a partition of their lands in severalty, and paralyzes industry and improvement." I am of the opinion that steps should be taken to extinguish the claim of the company if possible, and that Congress should be asked to enact the necessary legislation. The Senecas are paid annuities to the amount of some $11,900 per annum, representing a capital of some $230,000, and a portion of this sum could be used, with the consent of the Indians, for the purpose stated.

When this shall have been done, the lands can be allotted under the laws of the State of New York, and the Indians made citizens of the United States, for which privilege they are fully prepared and qualified. As soon as this is accomplished, the services of an agent in that State can be dispensed with.

A measure having the above ends in view will be matured and presented for your consideration at an early day.

THE EASTERN CHEROKEES.

The twelfth article of the Cherokee treaty of 1835 provided that those Cherokees who were averse to removal, and were desirous to become citizens of the States where they resided, were entitled to remain, etc. (7 Stats., p. 483.) Some eleven to twelve hundred availed themselves of the privilege. These Indians in time became possessed of certain land in North Carolina, the title to which was so insecure and unsatisfactory that Congress, by act approved July 15, 1870 (eleventh section; 16 Stats., p. 362), authorized and empowered the Eastern band of Cherokee Indians, by that name and style, to institute and carry on a suit or suits in law or equity, in the district or circuit courts of the United States, against certain agents, for all claims, causes of suit, or rights in law or equity (including said land) that said band might have against them, and made it the duty of the district attorneys and the Attorney-General of the United States to institute and prosecute the same.

Suits were accordingly brought in the United States court for the western district of North Carolina, at Asheville, May term, 1873, against William H. Thomas *et al.*, and upon agreement by all the parties in interest, at the May term, 1874, Messrs. Rufus Barringer, John H. Dillard, and Thomas Ruffin were appointed arbitrators to make a report of all facts and all rights and dues to the Indians, touching all the questions involved in said act, whose award was to be, and did become, final and a rule of the court. This agreement was approved by the Hon. R. P. Dick, judge of said court, the Secretary of the Interior, the Commissioner of Indian Affairs, and the Department of Justice on or before the 17th of June, 1874. On the 24th day of October, 1874, the arbitrators made and filed their award, affirming the Indian title to the land known as Qualla boundary—some 50,000 acres, etc.—which was confirmed at the following November term of the said United States circuit court, held at Asheville.

The terms of that award, as well as the history of their claim, are fully set forth in House Excutive Document No. 169, Forty-seventh Congress, first session, but the award has never been fully executed, and the Indians have unceasingly complained of the intrusions of the whites upon said lands, and of the non-enforcement of that award and decree of the court. Their unsettled condition has been the subject of several investigations by this office, and the fact fully brought out that, in a great measure, it grew out of the failure to carry said award into execution.

This office has felt for some time that it was powerless to relieve the Indians of the difficulties surrounding them, but has by its reports of April 24, 1885, and August 30, 1886, recommended that the Attorney-

General be requested to secure the enforcement of the award and order of the aforesaid court. On the 31st of August, 1886, this office submitted a further report, recommending that Hon. Jesse J. Yeates be appointed assistant United States attorney, to proceed to North Carolina to assist in the adjustment of said award, and any and all other questions that might present themselves in connection with its settlement. Mr. Yeates was appointed as recommended on the 18th of September, proceeded to North Carolina in October, and on the 26th of November, 1886, submitted a report to the Attorney-General of his action in the premises. While the matter has not been fully or finally adjusted, steps have been inaugurated by Mr. Yeates which, if he is permitted to complete them, should terminate, in my opinion, in a satisfactory adjustment of the award and of many of the irregularities and troubles connected therewith.

By the act of March 3, 1883 (22 Stat., 582), the Eastern band of Cherokee Indians was authorized to institute a suit in the Court of Claims against the United States to determine the rights of the said band in or to moneys, stocks, and bonds held by the United States in trust for the Cherokee Indians, arising out of the sales of lands west of the Mississippi river, and also in a certain other fund, commonly called the permanent annuity fund, to which suit the Cherokee Nation West was made a party defendant. Judgment, however, was rendered against the claim of the Eastern band to share in the funds named in the act (20 C. Cls., p. 449), and on appeal to the Supreme Court of the United States the decree of the Court of Claims was, on the 1st of March, 1886, affirmed. By this decision of the Supreme Court the status of these Indians was defined, but their condition thereby became the more unsettled.

In its decision the Supreme Court held that—

> The Cherokees in North Carolina dissolved their connection with the Cherokee Nation when they refused to accompany the body of it on its removal, and have had no separate political organization since. Though fostered and encouraged, they have not been recognized by the United States as a nation in whole or in part, and, as now organized, are not the successor of any organization recognized by any treaty or law of the United States.
>
> They ceased to be part of the Cherokee Nation, and henceforth they became citizens of, and were subject to the laws of, the State in which they resided. If Indians in that State (North Carolina), or in any other State east of the Mississippi, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship, as there provided. They cannot live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the Nation. (U. S. Reports, 117, p. 288.)

These Indians are already canvassing among themselves as to the feasibility of removing to the Nation West, and as to the best means for them to adopt to enter upon a settled life. If they had the means at hand to effect their own removal, and a positive, well-defined assur-

ance from the Nation West that they would be readmitted therein, as suggested by the Supreme Court, to all rights, immunities, and privileges as members of that Nation, I am satisfied that they would take early action to dispose of their interests East, and remove to, and unite with, the Cherokee Nation West. With this in view negotiations should be had with the Cherokee Nation. If this can be successfully accomplished, then such legislation will be asked as may be necessary to bring about the desired end.

BOUNDARIES OF KLAMATH RESERVATION IN OREGON.

In 1871 the outboundaries of this reservation were surveyed, since which time a dispute has existed between the white settlers and cattlemen in the vicinity and the Indians, the latter claiming that the eastern boundary was located too far west, thus depriving them of a large tract of country given them by treaty, and the former claiming that the eastern boundary included a large tract of country properly belonging to the public domain. In October, 1886, this office recommended that the boundary lines of the reservation be surveyed in accordance with the provisions of the treaty of October 14, 1864 (16 Stats., 707).

Subsequently, upon information from the General Land Office that the survey of the eastern boundary would not be satisfactory either to the Indians or settlers until its location had been agreed upon by a commission, I directed the agent in charge of the reservation to make a full investigation of the matter, and to take the evidence of all available witnesses. Upon receipt of his report, in view of the vague and indefinite description of the boundaries given in the treaty, and the fact that settlement had been made upon the lands east of the reservation, it was determined to re-establish the eastern boundary in accordance with the survey made in 1871, although the claim of the Indians seemed to be well substantiated. When the line is re-marked, the military will be requested to protect the reservation from the encroachments of cattlemen, concerning which the Indians have made many complaints.

It is also my intention to present the claim of the Indians to Congress for an appropriation to compensate them for the lands lost by the location of the boundary line, if, upon further consideration, they appear to be clearly entitled to the same.

THE ALLEGED UTE OUTBREAK.

More than passing notice should be given the recent trouble in Colorado, recalling, as it does, too vividly the Sand Creek and Camp Grant massacres which blot the history of the dealings of the American people with Indians.

When the body of the Ute Indians removed in 1882 from their hereditary home in Colorado to their new reserves in Utah, several small

parties remained behind on the ceded lands. A few, under Augustine and McCook, settled on White river, between Douglass creek and the Utah line; began to cultivate the land, took out irrigating ditches, and asked for permanent homesteads. In this they were encouraged, until it was ascertained that the ceded lands were not subject to homestead entry, and could only be purchased. A larger number under two Colorows, designated as Uncompahgre Colorow and White River Colorow, made their headquarters much farther east, and hunted and herded their stock upon public lands among the mountains in the vicinity of the old White River agency. As white settlers and herders came into that country disputes about grazing and other matters arose, and the presence of Indians in Colorado became the subject of frequent complaint.

The Colorows, with their followers, were ordered by the agent to return to their reservation, but persisted in remaining away, claiming that they were upon lands pointed out to them by the Ute commissioners as their new home, and also citing the permission given them by the Ute agreement of 1873 to hunt in Colorado. In February, last, Colorow was sent for by the military at Fort Duschene, and informed that he must bring his people within reservation limits. He then moved his camp 45 miles west, within what he claimed to be reservation lines, but at that camp citizens began building and threatened to attack him if he remained.

The Indians have persistently claimed, and not without some reason, that the eastern boundary line of the Ute reserve was east of Douglass creek, the settlers that it was identical with the boundary line of Utah. When the eastern line was run, on account of the roughness of the ground, no marks of identification were made by the surveyor for a considerable distance, and this debatable ground has given rise to many disputes. In March last, an agency employé with a small escort of cavalry was dispatched to Colorow's camp, at that time near Douglass creek, with instructions to establish the line and remove Colorow west of it should he be found to be outside of reservation limits. Monuments defining the line could not be found, and although Colorow reluctantly agreed to bring his followers down the White river to a point where the line was supposed to run, they seem soon thereafter to have wandered back to their old hunting-grounds.

On the 13th of August last Enny, son of White River Colorow, reported to Agent Byrnes, at Ouray agency, that after receiving his annuity at the agency the previous week, he had returned to his camp near Meeker, Colo., to find his tents burned, his goods gone, and six women and eight children missing. Among the women was Chipeta, widow of the late Chief Ouray, famous for his unflinching friendship to the whites. This report caused considerable uneasiness, and the agent immediately sent back with Enny Chief Herder McAndrews and five

reliable agency Indians to inquire into the matter, and to order Colorow and his party to the reservation.

It now appears that about this time indictments had been found by a grand jury against two Indians named Cibilo and Big Frank, for stealing two horses. These horses, which had been found in a herd which two men named Tate and Woods had bought or gambled from Colorow's Indians in April last, had been claimed and identified by one Hammond, and delivered up to him, and the Indians had made good the loss to Tate and Woods. Nevertheless warrants for the arrest of the two Indians were issued to Sheriff Kendall, of Garfield county; and other warrants were sworn out by Game Warden Burgett, of the same county, against twelve specified Indians "and others" (among whom he had spent a week early in August), for violation of the game laws of Colorado.

With a posse of seventeen men the game warden went to the camp of Uncompahgre Colorow, on the north fork of White river; found most of the men and women were absent, and without preliminaries of any kind seized a boy and started to take him off. The boy's father interfered, was shot, and fell stunned. The boy's sister and another Indian woman made an attack with axes, when the posse again fired, wounding the boy and also Big Frank and the son of Uncompahgre Colorow. Upon this the Indians abandoned all property, including a thousand head of sheep and goats, and fled to the camp of White River Colorow, about 20 miles from Meeker.

This posse then joined forces with a posse which Sheriff Kendall had summoned at Meeker for the serving of warrants, and went to the camp of Enny Colorow, finding there women and children. After insulting the women, who abandoned everything, including 300 sheep and goats, and fled frightened to the camp of White River Colorow, the posse burned the entire camp outfit and pursued the fugitives. In the pursuit one of the Indian boys fired, killing a horse belonging to the posse.

On the 14th of August, by an appointment made at his urgent request, Colorow met two prominent citizens of Meeker, and in alarm asked the meaning of these attacks upon his people. He was told that he might have fifteen days in which to get back to his reserve, 100 miles distant, whereupon, by way of preparation, he proceeded to gather up his herds of horses and sheep. It was at this juncture that Enny Colorow, with two of the agency delegation (McCook and Nickeree), arrived at Colorow's camp, found the missing women and children, and delivered the message of the agent that the whole party should return to the reserve. Colorow pleaded that they had been given fifteen days' time; but nevertheless his people started immediately, leaving behind all the rest of their sheep and goats, about 1,000 head, and traveling as fast as their wounded would permit.

Upon reaching Wolf creek, they camped for the night, and were there met by McAndrews, who had delayed at Meeker trying to induce the ex-

cited citizens to allow the Indians time to get back to their reserve, and endeavoring to dissuade them from further attempts to arrest Cibilo and Big Frank. McAndrews gave the camp the startling information that Colorado militia were already in pursuit, and that they must push on to the reserve without stopping. Being then too late to round up ponies in the darkness, the Indians ventured to delay until morning, when the women and children were started on. At noon, as the men were preparing to leave, Kendall, with a posse which had increased to 80, came upon them over the trail which they had taken, and Major Leslie also arrived by the main road from Meeker with 100 Colorado militia. At the request of the white men, two of their number had a talk with two representatives of the Indians, Enny Colorow and McCook, during which Major Leslie asked that the Indians remain where they were until morning. On being assured that they could not delay but must overtake the women and hurry to the reserve as the agent had ordered, he replied, "All right, go ahead; we will not molest you," and the four shook hands and parted. What motive lay behind this remarkable request that the Indians remain where they were can only be inferred from the bloody sequel. That night the Indians camped on the disputed ground, where they supposed the reservation line to be, and with such sense of security that, although their position was peculiarly exposed to attack, ponies were turned out to graze and not even an outlook was posted.

Shortly after daybreak next morning, August 25, while the Indians were cooking breakfast the soldiers and posse from whom they had parted the evening before occupied the surrounding bluffs, 100 yards distant,and without warning opened fire on the unsuspecting and defenseless party. Achee ran to the attacking party, begging them not to shoot until the frightened women and children could be gotten out of the way, and the reply was a volley which wounded him in the thigh. The fire being continued unremittingly, the Indians returned it for three hours and a half, until under its cover their women and children were placed at safe distance, when they abandoned the entire camp outfit and moved 3 miles nearer the agency, to be absolutely sure that they were on reservation ground. The militia and cow-boys retired to Rangely, 15 miles distant, and there corraled the 300 Indian ponies which they had rounded up and driven off during the progress of the fight.

The Indian loss in this fight is said to be one man, two small girls, and an infant boy killed, and two men and a boy severely wounded, besides their entire winter supply of dried meat, furs, blankets, trinkets, in fact all their possessions. The loss of the attacking party is said to be three killed and several wounded. Colorow had with him about 150 men, women, and children, which number is believed to have included not over 25 fighting men.

The news of the fight swiftly reached to the agency and created intense excitement; and that afternoon a company of twelve United

States soldiers, under Lieutenant Burnett, with Interpreter Curtis, several chiefs and headmen, and one hundred and fifty superbly armed and mounted Utes, started from the agency, reached Colorow at midnight, found him well inside of reservation lines, camped with him there, and waited for a second attack, which was expected the next morning. This attack, for which the militia and cowboys were preparing, was happily averted by a conference held under a flag of truce between Lieutenant Burnett and Major Leslie, in which the former informed the militia of the re-enforcements which Colorow had received, and the certainty that if another attack was made on reservation ground the Indians would fight it out to the bitter end and to the probable loss of his entire party. Major Leslie then agreed not to cross the line of reserve until legally authorized to do so.

With remarkable self-restraint the whole company of Indians accepted this assurance, and with their small military escort quietly returned to their agency, arriving there August 28. There they have since remained, trusting to promises given that by peaceable means their property should be restored.

On the same day Agent Byrnes was ordered to meet General Crook and Governor Adams at Meeker, and while there he explained that all Ute Indians were quietly on their reserves, had no intention of fighting, and wanted their property.

So far as is now known, only 125 horses have yet been returned to the Indians. Agent Byrnes is preparing an inventory of the losses sustained by them, which already foot up over 600 horses, 37 head of cattle, and nearly 2,500 sheep and goats, besides 5,000 pounds of dried meat and a large amount of camp property—the accumulation of years. Among the heavy losers is Chipeta, to whom Ouray left quite a large property in the way of herds and flocks. As soon as a complete inventory is received, showing the losses of individual claimants, it will be made the subject of a special report to the Department, with such recommendation as the case deserves.

FISHERIES ON THE COLUMBIA RIVER, WASHINGTON TERRITORY.

Referring to the remarks in my last annual report upon the above subject, I would state that a special agent of this office, G. W. Gordon, esq., has been sent to the Dalles of the Columbia, with a view to making a thorough study of the situation, and, if possible, devising some plan whereby the Indians may be secured in the permanent use of some portion of their fisheries. That they have suffered a great injustice in being deprived of a share in the food supply which nature has so abundantly provided there, and upon which they have depended from time mmemorial, no one can truthfully deny, and it is to be hoped that some measures may be adopted whereby their former privileges at the fisheries may be restored to them perpetually.

In a very recent report to the War Department, General John Gibbon, commanding the military Department of the Columbia, called attention to the oft-repeated, and, I may say very generally credited, story of fraud in the treaty of 1865, whereby the Warm Springs Indians were, it is claimed, cheated out of their fishing privileges at the Dalles. General Gibbon thinks that, under the circumstances, Congress might be asked to appropriate a yearly sum for a term of years to be expended in the purchase of cured salmon for issue to these Indians.

By a recent letter from W. H. White, esq., United States attorney for Washington Territory, to Agent Priestly, of the Yakama agency, it is learned that in January last, in the case of The United States *vs.* Taylor, the Territorial supreme court had the Yakama treaty of June 9, 1855 (12 Stat., 951), before it for construction. Taylor had taken a homestead on the banks of the river, and erected a fence, which obstructed the approaches to the fishery, and prevented the Indians from enjoying the right to take fish at one of their usual and accustomed places. The court held that the obstruction was unlawful, and, although Taylor had a patent for his land, ordered the removal of the fence. Under this decision, the rights of the Yakamas in these fisheries can no longer be denied or disputed.

Very respectfully, your obedient servant,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

REPORT

OF THE

SUPERINTENDENT OF THE YELLOWSTONE NATIONAL PARK.

MAMMOTH HOT SPRINGS, WYOMING, *August* 20, 1887.

SIR: In compliance with your communication of the 30th ultimo, I have the honor to submit the following report of the operations of the office of the Superintendent of the Yellowstone National Park for the fiscal year ended June 30, 1887, and to the present date.

My last report was dated October 4, 1886. The visiting season for tourists was at that time nearly over, all the hotels of the Park Association having closed for the season of 1886 by the 15th of October. A severe snow-storm, which began on the 10th of the month, lasting several days, served to hasten the departure of the summer visitors, and so seriously interfered with the operations of the parties engaged in road-construction that work was suspended for the season and the parties withdrawn about the 20th.

Upon the cessation of tourist travel and the closing of the Park roads by deep snow, the detachments which had been stationed at the different geyser basins for their protection were withdrawn, and the services of the men made available for the important duty of affording protection to the large game which was being driven from the mountains by the early and unusually heavy snowfall. The professional hunters who surround the Park commenced their operations in good season, and great activity and vigilance by scouting parties were requisite to prevent them from operating within the borders of the Park. It is the practice of these hunters to locate camps on the tributaries of the Yellowstone River, just outside the limits of the Park on its northern and eastern borders, and thus to intercept the game when, driven out of the mountains by the deep snow, it seeks the lower valleys and the safety afforded by the Park. The boundary lines of the Park never having been officially surveyed or marked, there is a narrow strip of debatable ground on its border which encourages hunters to encroach upon its limits. All parties found near the borders of the Park were warned off, and were so well watched by scouting parties that it is believed little or no game was killed within the Park. Several arrests were made under circumstances which seemed to require investigation, but in no case was the evidence sufficient to warrant action. In one or two instances where the fact was established that the game had been killed outside of the Park and it was impracticable to get the meat to market without taking it through the Park, permission to do so was granted. This concession, however, gave rise to injurious reports and the transportation through the Park of any portion of the carcasses of game animals will hereafter be discouraged by every legitimate method.

The open season, during which it is lawful to kill game in the Territories of Wyoming and Montana, terminating on the 1st day of January, and the great depth of the snow also interfering with the transportation of meat through the mountains, the active operations of the hunters ceased and a period of comparative quiet and freedom from annoyance was experienced.

After the close of the tourist season the trains of the Northern Pacific Railroad on the branch line from Livingston to Cinnabar were run weekly until about the 20th of January, when, in consequence of severe gales and deep snows, they were discontinued, only resuming their weekly trips in the middle of March. Fortunately the stage line from Livingston to Mammoth Hot Springs was operated with skill and energy, the mail being regularly received every day in the week, except Sunday, the entire winter.

A party of travelers under the leadership of Mr. Frederick Schwatka, of Arctic fame, arrived in the Park in the latter part of December for the purpose of seeing the Park in its winter aspect; but owing to the illness of Mr. Schwatka and the difficulties developed by the light and soft character of the snow, the expedition was only partially successful. Mr. F. Jay Haynes, however, the photographer of the party, with three companions, succeeded in surmounting all obstacles and made a complete tour of the Park, securing many fine views peculiar to its winter aspect. The difficulties of snow-shoe travel in the Park are such, however, that it is not to be recommended as a winter diversion.

Although an unusually large quantity of snow fell throughout the elevated area of the Park, the quantity at the Mammoth Hot Springs was not excessive, nor could the winter, when the weather and temperature of the surrounding region is considered, be called a severe one, as may be seen by reference to the meteorological record which is appended to the report (marked A).

During the month of April I had occasion to arrest and expel from the Park one William James, who was in the employ of the Yellowstone Park Association, for trapping beaver on the Gibbon River, near the Norris Hotel. My letter to the Department reporting this affair is appended to this report (marked B). The property found in the possession of James is still in my custody awaiting your instructions. Several other employés of the Park Association who were to some extent implicated in the unlawful acts of James were, at my request, discharged from the employ of the company and ceased to make their home in the Park.

During the month of May, as the season for tourist travel approached, instructions were given to the several lease holders in the Park requiring them to thoroughly police the grounds around their buildings and place them in a proper sanitary condition. This work was at once entered upon with vigor and accomplished in a satisfactory manner.

Many unsightly barns, stables, and stacks were destroyed or demolished and removed and the appearance of the surroundings of all of the hotels much improved. On the 23d of May a team left this place for the Lower Geyser Basin, and by free use of shovels and axes succeeded in getting through to that point. Upon the disappearance of the snow, work was commenced on the roads by parties under the direction of Capt. Clinton B. Sears, Corps of Engineers, U. S. Army, the officer charged with the duty of road construction and repair in the Park. By the 15th of June, the date on which the hotels of the Park Association were opened for the reception of guests, the roads were in good condition for travel. Active scouting operations were resumed

upon the disappearance of the snow, and the stations at the different geyser basins and at the Grand Cañon were re-established as soon as the opening of the roads made it practicable to supply them with subsistence for men and animals. Copies of the new rules and regulations of the Park were widely distributed, and have been of great utility not only in affording information to the public, but in fixing and limiting the duties of the troops charged with the protection of the Park.

On the evening of the 4th of July one of the stages of the Park Association was stopped a short distance within the Park limits and the passengers robbed of a small sum of money. My communication reporting this affair is appended (marked C). In the first part of July a large number of professional tramps and hard cases, who had been sent out of the neighboring towns along the Northern Pacific Railroad by the authorities, made their way to the Park. They were promptly taken in charge and warned off, but it is probable that the stage affair was the work of the advance guard of this army of tramps. Since the ejection of this party the Park has been quite free from this species of annoyance.

On the evening of July 14 the hotel of the Park Association at the orris Geyser Basin was totally destroyed by fire. The fire originated through a defective chimney flue, and in the absence of any appliances for extinguishing fire the building was entirely consumed within two hours. Fortunately no person was injured, and all of the baggage belonging to tourist visitors was saved. A hotel camp was at once established by the Park Association, and having in view the comfort and convenience of the traveling public I permitted the company to begin the erection of a temporary building subject to your approval.

The volume of travel to the Park during the present season has to the present date fallen somewhat short of that of last year for the same period. This may probably be attributed in a great measure to the effect of recent legislation with reference to railroad transportation rather than to any loss of interest in the "wonderland of the world" by the people.

When I assumed my present duties I found, residing at Round Prairie, on the Cook City road, a Mr. Z. R. Sowash, who kept a roadside station or stopping-place for freighters. I was informed by my predecessor in office that doubt existed as to whether Mr. Sowash's place was within the limits of the Park or not; but after investigation I was convinced that he was at least three miles within the boundaries of the Park. As an order for his removal at the beginning of winter would have involved considerable hardship, I gave Mr. Sowash verbal intimation that he would have to move in the spring, and on the 9th of May last served him with a formal notice to remove within thirty days, which order was promptly obeyed.

FOREST FIRES.

No forest fires of any magnitude have as yet occurred in the Park during the present year; but as the dry season is not yet over, it is probably too early for congratulations on this subject. Several fires have been discovered and extinguished by the soldiers, and constant vigilance and activity have been enjoined upon all to discover and prevent the spread of such fires by every possible means.

LEASES AND BUSINESS PERMITS.

The following are the leases now operative in the Park, as shown by the records of this office, viz: John F. Yancy, 10 acres upon the mail

route from Mammoth Hot Springs to Cook City, to be measured from the building now occupied by said Yancy as a central point; Helen S. Henderson and Walter J. Henderson, 10 acres of land at Mammoth Hot Springs; James A. Clark, 4 acres of land at Mammoth Hot Springs; F. Jay Haynes, 4 acres of land at Mammoth Hot Springs, and 4 acres at the Upper Geyser Basin; Charles Gibson, four different sites in the Yellowstone National Park, containing 7 acres in all: No. 1 at Mammoth Hot Springs, No. 2 at Norris Geyser Basin, No. 3 at the Grand Cañon of the Yellowstone, No. 4 at the Yellowstone Lake.

From a communication dated Department of the Interior, Washington, July 28, 1887, it appears that on the 6th of March, 1885, a lease was granted to Mrs. C. M. Finch, of Bozeman, Mont., of 10 acres of ground "lying about one-half mile from the Lower Falls of the Yellowstone River and on the north side of said river, and about one-half mile from the bridge over Crystal Cascade Creek measured northeast along the Yellowstone trail." No steps have ever been taken by the lessee to comply with the conditions of this lease; no survey of the described ground has ever been made, and no buildings, temporary or otherwise, have ever been erected thereon.

The rights and privileges conferred by the lease to Mr. Gibson are exercised by a corporation known as the Yellowstone Park Association, and this company is also occupying ground and buildings at the Lower and Upper Geyser Basins. The unsatisfactory condition of matters connected with Mr. Gibson's lease and the operations of the Yellowstone Park Association, as related in my last report and as you have since been fully informed by letter, still continues; but pending the action which has been taken by your Department further comment on this subject is thought to be unnecessary. The other lease-holders in the Park have complied with the requirements of their leases in all essential particulars.

The following permits have been granted by your Department for the transaction of business within the Park, viz:

Mr. James E. Stuart, artist, July 26, 1887, permission to exhibit and offer for sale at the Mammoth Hot Springs hotel paintings in oil and water-color of the geysers, cañons, and other curiosities of the Yellowstone National Park, such paintings being his own personal work.

Louis C. Pettitt, M. D., July 26, 1887, to practice medicine in the Park without the privilege of erecting any building.

Bassett Brothers, of Beaver Cañon, July 27, 1887, permission to continue to furnish transportation to visitors within the Park, pending consideration by the Department of the Interior of their application for a lease of ground.

Mr. Elwood Hofer, August 3, 1887, to act as guide and engage in the business of outfitting camping parties, it being understood that he proposes to reside at one of the hotels and to keep his horses, &c., upon ground embraced in one of the existing leases.

Under the authority granted by Rule 7 of the rules and regulations of the Park I have issued licenses as guides to the following-named persons: W. C. Cannon, June 13, 1887, to October 31, 1887; Ole Anderson, July 11, 1887, to October 31, 1887.

TRESPASSERS WITHIN THE PARK.

In addition to the before-named persons who have the authority of your Department to transact business within the Park, one J. W. Pousford, in partnership with J. L. Sanborn, have possession of and operate

within the Park a toll-bridge across the Yellowstone River. This bridge, known as "Barronette's Bridge," was constructed in 1880 upon the site of of a former bridge owned by C. J. Barronette and destroyed by the Nez Perce Indians in 1877. I have attempted no interference with the business as conducted by these parties, as it would seem that the long period in which they have been permitted to carry on their business unmolested has given them a certain right of possession which should be settled by investigation and adjudgment. A statement of the fact that free travel through the National Park, the "pleasure ground of the people," is obstructed by a toll-bridge, whether by authority or otherwise, should be sufficient to cause a remedy to be at once applied.

One J. C. McCartney has also several buildings within the northern limit of the Park, one of which is used as a drinking-saloon. I find by the records of this office that a communication was addressed to McCartney by the then superintendent of the Park, R. C. Carpenter, November 17, 1884, requiring him "to remove himself and his personal property out of the Park within thirty days," and that thereupon McCartney made affidavit to the effect that he believed the buildings occupied by him not to be within the Park and protested against the execution of the order of removal. Upon the receipt of McCartney's protest at the Department of the Interior a communication was addressed to the superintendent of the Park stating that "pending examination into the subject, it is deemed proper that you should not insist upon compliance with your order respecting the removal of the buildings." This has been considered by Mr. McCartney and by former superintendents a sufficient authority for McCartney's continued residence within the Park. On the 14th of December last I addressed a communication on this subject to the honorable Secretary of the Interior, to which no reply has been received.

It is the generally expressed opinion of the community that McCartney's buildings are within the Park, and it is the belief that he has the authority of the Department for his continued residence.

It is believed that the before-named comprise all of the persons now doing business in the Park who have not the authority in writing of the Secretary of the Interior, as required by the published rules and regulations of the Park.

HOTEL ACCOMMODATIONS.

The hotel accommodations within the Park have thus far during the present season been adequate to the demands of travel, though not in all cases of the most desirable character. A domicile in tents at an altitude of 7,000 or 8,000 feet, where heavy frosts prevail every night, can, by no stretch of the imagination, be made to appear comfortable. It may, as a novelty, be endured for one or two nights, but at the end of that period the average summer visitor prefers to seek a lower altitude and the comforts of a good hotel.

The Cottage Hotel at Mammoth Hot Springs, owned and managed by the lessees, Walter J. and Helen L. Henderson, has been enlarged since last year, and is now a well-appointed hotel with accommodations for about one hundred guests. The rates at this hotel are $2.50 per day or $10 per week.

Mr. John F. Yancy keeps at Pleasant Valley, on the Cook City road, a comfortable hotel which is much frequented by lovers of trout-fishing, and, being near the junction of the horse-back trail from the Grand Cañon with the road, is a convenient stopping place. He can accom-

modate comfortably twenty guests, and his rates are $2 per day or $10 per week.

The hotel of the Park Association, at Mammoth Hot Springs, is of ample dimensions, and is well equipped and conducted. Workmen are now engaged in putting in the requisite appliances for electric lights, which will add greatly to security from fire as well as to the convenience of the guests.

The loss of the new hotel of the Park Association at the Norris Geyser Basin, by fire, on the 14th of July, was a serious misfortune not only to its owners but to the visiting public. Since its destruction visitors have been served as well as possible in tents. The temporary structure which was at once commenced is now completed, and will afford sleeping accommodations for about sixty persons.

The Park Association still maintains at the Grand Cañon the temporary hotel structure which was erected in the spring of 1886, supplemented by tents, and can probably accommodate at that point about seventy guests. Appreciating the necessity for some accommodation for visitors at the lake, I have permitted Mr. Gibson's representatives to pitch some tents there upon the condition that they shall be removed at the end of the season, and all camp débris well destroyed.

The hotel at the Lower Geyser Basin, formerly known as Marshall's Hotel, is under the management of the Park Association. Two "cottages," so called, were erected at this place in the spring or summer of 1886, flanking the hotel building on either side. These structures seem to be needlessly ugly in architectural design, resembling nothing so much as the section houses of a railroad. About seventy guests can be taken care of at this point. All of the buildings at this place are of poor and mean construction, and should be replaced by a commodious and well-constructed building capable of accommodating at least one hundred guests.

The hotel at the Upper Geyser Basin is still conducted in the barn-like structure left by the Park Improvement Company. It is in a more dilapidated condition than last year, being considered not worth repairing. It will probably accommodate fifty persons. The location of this building, as stated in my last report, is, contrary to law, within one-fourth of a mile of the Old Faithful Geyser.

It is proper to state that all of the hotels of the Park Association are well conducted. The service is generally excellent, the food is well cooked, and the beds are clean. The rates charged are $4 per day for a less period than ten days, $3 per day beyond that time, with special rates for longer periods. When the difficulty of providing supplies and service at these remote points is considered, it is believed that these charges are not excessive.

In closing this subject I urgently invite your attention to the importance of requiring on the part of the lessees a more adequate and suitable provision for the comfortable lodging of visitors.

TRANSPORTATION.

The transportation facilities provided by the lessees within the Park have been excellent in character, and amply sufficient for the demands of travel. The drivers employed have been generally skillful in their profession, and sober, intelligent, and reliable men. No serious accidents have occurred, and no complaints of negligence, incivility or extortion have been made. The enforcement of the regulation which forbids "any person to engage in business in the Park without permis-

sion in writing from the Department of the Interior," has had the effect of ridding the Park of a large number of irresponsible persons, who during the summer came in to prey upon the tourists. A considerable business in transportation is done by persons residing without the Park, but no instance of unfair dealing by them has come to my knowledge.

I append to this report (marked D) the rates of transportation as charged by the three lease-holders at this place, approved by me and submitted for the action of the Department July 10, 1887.

ROADS OF THE PARK.

The travelled wagon roads in the Park are at this date as follows:

(1) A road from the town of Gardiner, on the northern border of the Park, to the Upper Geyser Basin, a distance of about 50 miles. The graded portions of this road are in extent as follows: From Gardiner, via Mammoth Hot Springs, to near Swan Lake, about 10 miles. From Willow Park to the Norris Geyser Basin, about 10 miles. From Gibbon Meadows to the head of Gibbon Cañon, about 6 miles. From the Lower Geyser Basin to the Upper Geyser Basin, 9¾ miles. The portion of this road not yet graded is in fair condition and perfectly safe for travel, a considerable amount of labor having been expended upon it yearly for repairs.

(2) A road from the Norris Geyser Basin via the Grand Cañon and Falls of the Yellowstone to Lake Outlet, about 27 miles. This road is graded for a distance of about 8 miles from the Norris Basin. The remainder of the road is in fair condition at this date. The portion of the road between the Falls and the lake is not ordinarily in condition for travel before about the middle of July, the altitude being such as to prevent the early melting of the snow.

(3) A road diverging from the road to the Lake in Hayden Valley, about 8 miles from the Falls and extending to the Lower Geyser Basin, via Mary's Lake and Nez Percé Creek. The distance from the Falls of the Yellowstone to the Lower Geyser Basin by this route is about 32 miles. The road is ungraded, but in fair condition, being an excellent natural road with the exception of a somewhat precipitous descent from the plateau between the waters of the Madison and Yellowstone, on its western slope. This road from its altitude is seldom open for travel before the middle of July.

(4) A road from the Lower Geyser Basin to the western border of the Park, about 20 miles. This road extends beyond the Park limits to Beaver Cañon Station, a stage line from that point bringing visitors to the Park at the Lower Geyser Basin. This is a fair mountain road and safe for travel.

(5) A road diverging from the main Park road near Mammoth Hot Springs and extending via the cañon of the East Gardiner River, Barronette's Bridge, and Soda Creek, to the northeastern corner of the Park, about 55 miles, and to Cook City, some 5 miles farther on. This road, over which all supplies for the mining camp of Cook City are freighted, is through a rough and hilly country and throughout the greater portion of its extent is unimproved. Some slight grades have been made where it was absolutely necessary, and a few rude bridges constructed. The road has been chiefly built and kept in repair by private enterprise and is by far the worst road in the Park, being well-nigh impassable a large portion of the year. Toll is very properly charged at Barronette's Bridge, as it could not otherwise be kept in repair by private means. The bridge across Lamar River is in a very di-

lapidated condition and will probably not last more than a year or two longer. It would seem to be eminently proper that this road, within the Park limits, should be taken in charge by the Government, the Barronette's Bridge claim extinguished, and the road kept in proper and safe condition for travel.

Summarizing the above, it will be seen that the total extent of the traveled wagon roads in the Park is about 177 miles. The portion of these roads which has been constructed under the supervision of an officer of the Corps of Engineers, U. S. Army, amounting to about 44 miles, is well built with a grade about 18 feet wide, properly ditched and drained, the streams being crossed by well-constructed bridges.

In addition to these wagon roads there are a number of trails or bridle-paths to different points of interest, which are kept in condition for travel by Government means.

As the roads of the Park are exclusively under the control of an officer of the Corps of Engineers, U. S. Army, and as his estimates for road construction and repair have already been made and submitted for the action of the Chief of his Corps, any recommendations on the subject from me may be superfluous; but nevertheless, following the custom of this office, I will include in my estimate of appropriations the sum which has been considered sufficient by Capt. Clinton B. Sears, Corps of Engineers, U. S. Army, the officer charged with the duty of road construction and repair in the National Park, for the continuation of his work during the next fiscal year, which is $130,000.

In my last annual report I recommended the construction of a good road from the Upper Geyser Basin, the terminus of the present road, to the Shoshone Geyser Basin; thence around the southern shore of Shoshone Lake and across the continental divide to the west arm of Yellowstone Lake; thence along the western shore of Yellowstone Lake to Lake Outlet, and along the Yellowstone River to the Falls and Grand Cañon. From the Falls the road to be continued down the Yellowstone to a junction with the present road to Cook City, the latter road to be improved from the point of junction to Mammoth Hot Springs. Believing this scheme to be substantially in accord with the views of Captain Sears, I earnestly renew my recommendation that a sufficient amount be appropriated to warrant the beginning of this work.

This National Park having been, in the words of the statute, "reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit of the people," has become a national trust; and it would seem that the policy which refuses, by a proper appropriation, to open and render accessible this "wonder land" is opposed to the sentiment which created the Park and unworthy a great nation whose treasury overflows with accumulated wealth.

BOUNDARIES OF THE PARK.

The following are the present boundaries of the Park as defined by law:

Commencing at the junction of Gardiner's River with the Yellowstone River and running east to the meridian passing 10 miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing 10 miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing 15 miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning.

It has been proposed to rectify and change these boundaries as follows:

Beginning at a point on the forty-fifth parallel of north latitude where said parallel is intersected by the western boundary of the Territory of Wyoming; thence due east to its point of intersection with the meridian of 110 degrees west longitude; thence due south 5 miles; thence due east to the meridian of 109 degrees and 30 minutes west longitude; thence due south along said meridian to the forty-fourth parallel of north latitude; thence due west along said parallel to its point of intersection with the west boundary of the Territory of Wyoming; thence due north along said boundary line to the place of beginning.

While there are some undoubted advantages to the Park in the proposed changes, there would be a very serious disadvantage in permitting a frontier town, with its saloons, gambling houses, and disreputable resorts, to approach within 2 miles of this place, which is, and will of necessity continue to be, the headquarters of the Park and the principal resort of visitors.

The disorders of the neighboring town of Gardiner, 5 miles distant, which now overflow into the Park, are a constant and serious source of annoyance. Should the town approach to within the distance permitted by the proposed change of boundary, and the present condition of lawlessness, with the unrestricted sale of liquor, continue, it would be well nigh impossible by the present methods of government in the Park to preserve such a degree of order here as would make the place pleasant and desirable to visitors. The constant agitation of the subject of a change of the boundary lines of the Park has probably the effect of postponing the very important measure of an accurate survey of the present boundaries. I have embraced in my estimate of appropriations an amount sufficient to accomplish this purpose, and cannot too strongly urge its importance. The present uncertainty is a constant invitation to lawless hunters and others to encroach upon the Park, and adds greatly to the annoyance and labors of those charged with its protection.

THE PROTECTION OF THE PARK.

The Park has been protected during the past year by means of the employment of the military force under my command in the enforcement of the rules and regulations established by the Secretary of the Interior in accordance with law. The force at my disposal for this purpose has been one troop of cavalry, the maximum strength of which is three commissioned officers and sixty-four enlisted men, but by the casualties of service the ordinary strength of the command is much below this number. For the quartering and subsisting of this force the post of Camp Sheridan has been established at Mammoth Hot Springs, Wyoming.

The buildings of this post are eight in number, as follows:

No. 1. One cottage, officers' quarters, 65 feet long, 28 feet wide, 16 feet high, with a T 22 feet long, 22 feet wide, 10 feet high (weatherboarded).

No. 2. Post hospital, 44 feet long, 24 feet wide, 10 feet high, with an L 20 feet long, 10 feet wide, 10 feet high.

No. 3. Headquarters office, 36 feet long, 26 feet wide, 10 feet high.

No. 4. Men's barracks, 130 feet long, 24 feet wide, 10 feet high, with a back extension, 55 feet long, 18 feet wide, 10 feet high, forming with the main building a T.

No. 5. Storehouse, 100 feet long, 24 feet wide, 10 feet high.

No. 6. Guard-house, 26 feet long, 20 feet wide, 10 feet high.

No. 7. Cavalry stable, 150 feet long, 26 feet wide, 10 feet high.

No. 8. Quartermaster's stable, 50 feet long, 25 feet wide, 10 feet high.

These buildings are somewhat roughly constructed, and are of a temporary character, but afford good and sufficient protection for men, animals, and supplies, and are not unsightly. They are located nearly south of the building known as the superintendent's headquarters, and east of the hot spring terraces.

A military post involves the maintenance of a sufficient garrison for the proper care and protection of buildings and supplies by military methods, which in this instance correspondingly reduces the number of men available for distribution through the Park.

Stations have been established within the Park and are occupied as follows: At Soda Butte during the whole year. At Norris Geyser Basin, the Grand Cañon, Lower Geyser Basin, and Upper Geyser Basin from June 1 to November 1. At Riverside, on the Madison River, from August 1 to November 1.

The men thus stationed make daily excursions in every direction from their several camps, and the protection thus afforded is supplemented by constant scouting operations directed by an experienced scout and mountaineer acquainted with all of the trails, and indeed with every inch of ground within the Park. It is believed that the measures thus taken have been reasonably efficient in protecting the game of the Park, its various objects of wonder and beauty, and its forests. I am, however, convinced that the force at my disposal is inadequate to the proper protection of the Park during the tourist season. If it should be increased by two additional scouts and by one company of infantry from June 1 to October 15, it would probably be sufficient during the next year, but as travel to the Park increases and the game outside of its limits diminishes a much larger force will be necessary to give proper protection.

In my last report I alluded to the necessity which existed for an established form of government for the Park. That necessity still exists. It may be possible to give the Park sufficient protection by the employment of an adequate military force and a number of experienced scouts. But should this method be adopted it will be expedient to request such legislation as shall define the jurisdiction of the Territorial courts within the Park, so as to permit the same powers which they now have with reference to other reservations, and the enactment of a stringent law for the protection of the game.

In connection with the subject of park protection I append to this report copy of an order issued for the guidance of the enlisted men of my command in the discharge of their duties (marked E), and for convenience of reference a copy of the rules and regulations of the Park (marked F).

THE GAME AND ITS PROTECTION.

I am gratified to be able to report that the rules for the protection of the game in the Park have been generally well observed and respected.

One or two isolated instances of unlawful killing have occured, but immense herds of elk have passed the winter along the traveled road from Gardiner to Cook City with the same safety which herds of domestic range cattle enjoy in other localities. Several stacks of hay which had been placed along this road in anticipation of winter freighting, were appropriated and doubtless enjoyed by these animals. It is difficult to form any accurate estimate concerning the number of elk that passed the winter in the Park; certain it is that the number that win-

tered in the valley of Lamar River and on its tributaries have been estimated by all who saw them at several thousands. The elk are accustomed, when driven out of the mountains by the snows of winter, to follow down the course of the mountain streams into the lower valleys. For this reason but little efficient protection can be afforded to this species of large game in the Park except upon the Yellowstone River and its tributaries.

The elk which follow down the outward slopes of the mountains surrounding the Park along the tributaries of the Madison and the Gallatin on the west, or the Snake River on the south, pass beyond the Park limits before the hunting season permitted by the Territorial laws has closed, and fall an easy prey to the hunters who are in wait for them.

A small number of buffalo still remain in the Park, but after as careful and thorough an investigation as is practicable I am unable to state their numbers with any approach to accuracy. My impression is that they have been heretofore somewhat overestimated, and that at the present time they will not exceed one hundred in number. They are divided into three separate herds. One of these ranges between Hell-roaring and Slough Creeks; in summer well up on these streams in the mountains, outside the Park limits, and in the winter lower down on small tributaries of the Yellowstone, within the Park. If the reports made several years ago can be relied on, this herd has rapidly diminished, and it is doubtful if it now exceeds some twenty or thirty in number. Whether or not this decrease has been due to illegal killing by hunters or to other causes I am unable to say, though I do not believe that many have been killed within the past two years. Another herd ranges on Specimen Mountain and the waters of Pelican Creek. The herd was seen by reliable parties several times last winter and was variously estimated at from forty to eighty. A traveler on the Cook City road claimed to have counted fifty-four near the base of Specimen Ridge. A scouting party which I sent out during the month of May found but twenty-seven head of this herd, with four young calves. It is possible that the herd at this time was broken up and that but one portion of it was found. The third herd ranges along the continental divide and is much scattered. A band of nine or ten from this herd was seen several times this spring in the vicinity of the Upper Geyser Basin. It will take close observation for several years to determine with any certainty the number of these animals, or whether or not they are diminishing in numbers. It is practically certain that none have been killed within the Park limits during the past two years, and yet there is an equal certainty that the present numbers do not approach those of past estimates.

Large numbers of antelope are found in the Park. A herd of some two hundred passed the winter within a mile of the town of Gardiner, pasturing on the plain between the Yellowstone and Gardiner Rivers, south of the town. They were unmolested, though it was found necessary to occasionally drive them back towards the hills, that they might not get beyond the Park limits.

The mountain sheep are found in all of the mountain ranges within the Park. A band of seven or eight spent a large portion of the winter in the cliffs along the traveled road between Mammoth Hot Springs and Gardiner, and they became so accustomed to the sight of travelers as to manifest but little more timidity or wildness than sheep of the domestic variety.

I have heard considerable anxiety expressed by those who profess interest in the Park lest the rule which protects equally all animals in the Park should work to the detriment of the game proper by causing an undue increase of the carnivora. But while it is true that there are some noxious animals that are not worthy of protection, chief among which is the skunk, or polecat, yet I am convinced that at the present time more injury would result to the game from the use of fire-arms or traps in the Park than from any ravages which may be feared from carnivorous animals.

THE GEYSERS AND HOT SPRINGS.

The United States Geological Survey, to which the National Park is indebted for the only accurate and reliable surveys and maps which have been made, has now in progress, under the direction of Prof. Arnold Hague, the work of mapping topographically the different geyser basins and hot-spring localities throughout the Park. The importance of this work cannot be overestimated.

It will serve to fix and render permanent the established and authorized names of the different objects of interest, and check the tendency which has prevailed of attaching personal, fanciful, or absurd names to nature's most grand and wonderful objects.

The new rules and regulations of the Park, together with increased watchfulness and care, has had the effect of suppressing in a great degree the former vandalism which was rapidly destroying the beauty of the geyser and hot-spring formations. The throwing of foreign substances into the springs and geyser vents has been quite effectually checked. The number of foolish visitors who have found pleasure in defacing the beauties of nature by written inscriptions of their names is less than that of previous years, though I regret to say the practice has not been entirely suppressed. Nothing short of the arrest and expulsion from the Park of a number of these offenders, who have the outward appearance of ladies and gentlemen, will probably be effectual to stop the practice.

I have, as far as practicable with the means at my disposal, caused the grounds and formations in the vicinity of the objects of interest to be cleaned up and all unsightly objects, such as old tin cans, bottles, &c., to be removed.

This has been a labor of love on the part of the soldiers, as it cannot be considered any part of their duty in connection with the Park. I allude to the subject chiefly to emphasize the necessity of providing a certain sum to be expended by the Superintendent of the Park in keeping it in proper order. I advocate no expensive improvements beyond the construction of the necessary roads, bridges, and bridle-paths necessary to make accessible the wonders and beauties of the Park; but the accumulation of unsightly rubbish which is brought into the Park by the numerous camping parties and visitors is such as to very seriously mar the beauty of those objects which are the attractive features of the Park. In my opinion this "wonderland" should for all time be kept as nearly as possible in its natural and primitive condition. No appliances of art and no expenditure of money can improve upon this condition. But the history of all like reservations has shown that where large numbers of visitors came to view nature's wonders, a constant expenditure of labor is essential to preserve those natural conditions which charm and attract the busy workers of the world.

There are now scattered throughout the Park many abandoned and unsightly cabins and shacks, and the débris of a hundred camps. I had hoped to be able to clear up and remove much of this old material, but the press of other duties has forbidden the employment of the soldiers for this work, and I have not had a dollar at my disposal for this or any other purpose connected with the improvement of the Park.

The sign-boards, which have been previously provided under more fortunate circumstances, showing the names of the various objects of interest are becoming obliterated by the action of the weather and should be renovated and replaced, and others should be provided as new objects are discovered and brought to notice. The appearance of neglect throughout the Park, due to the absence of any appropriation for its care and preservation, must be a source of mortification to any right-minded officer performing the duties of Superintendent, and who, by public opinion at least, is held responsible for its condition.

I have included in my estimate of appropriations a modest sum for the "care and preservation of the National Park, to be expended under the direction of the officer charged with its protection," and trust that it may receive your favorable indorsement.

APPROPRIATIONS.

I inclose with this report my estimate of appropriations for the fiscal year ending June 30, 1889, for the improvement and preservation of the Yellowstone National Park, and for convenience of reference summarize the items as follows, viz:

For construction of roads and bridges	$130,000
For care and preservation of the Park, the sum to be expended by the officer charged with the protection of the Park	3,000
For the settlement of the Barronette's bridge claim (or so much thereof as may be awarded by a duly constituted commission)	2,000
For accurately surveying and marking the boundary lines of the Park	10,000
Total	145,000

Before closing my report it is fit and proper that I should acknowledge with thanks the assistance given me in the protection of the Park by Mr. Ed. Wilson, scout and guide, who has always been zealous and untiring in the discharge of his duties; by the officers of my command, whose valuable aid has been cheerfully given; and to the enlisted soldiers, who have shown the value of military discipline and training in the efficient discharge of new and unaccustomed duties requiring patience, intelligence, and discretion.

I am sir, very respectfully, your obedient servant,

MOSES HARRIS,
Captain First Cavalry, Acting Superintendent.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

A.

Meteorological record kept at Mammoth Hot Springs, Yellowstone National Park, from November 5, 1886, to July 31, 1887.

NOVEMBER, 1886.

Dates.	Self-registering thermometer.			Winds.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1886.	°	°	°				
Nov. 5	40	8	24	W.	Light breeze..	Fair	
6	46	17	31.50	SW.	Calm.....	....do	
7	56	20	38	S.	..... do	Clear	
8	42	27	34.50	SW.	Light breeze..	Fair	
9	35	16	25.50	N.	Gentle breeze.	.....do	Light snowfall during night.
10	32	5	18.50	NW.	Fresh breeze..	.....do	
11	33	7	20	N.W.	Light breeze..	Clear	
12	42	18	30	SW.	Strong wind .	Fair	
13	45	19	32	S.	Calm.....	.....do..	
14	25	5	15	NW.	Gentle breeze.	Cloudy.....	Snow during night.
15	14	— 5	4.50	NW.	Light breeze..	Clear	
16	14	8	11	NW.	High wind ..	Cloudy.....	Snow in the morning.
17	28	12	20	SW.	Light breeze.	Fair	
18	30	8	19	SW.	Calm	.....do	Snow in the afternoon.
19	21	14	17.50	SE.	Gentle breeze	.....do	
20	28	13	20.50	W.	Calm	Cloudy	Light snowfall in the afternoon.
21	16	—17	—0.50	NW.	Gentle breeze.	Fair	Snow during night.
22	10	— 6	2	NW.	Fresh breeze..	Clear	
23	22	5	13.50	SW.	Calm.....	Fair	
24	21	10	15.50	SW.	Light breeze..	.....do	
25	32	17	24.50	SW.	Calm	.....do	
26	33	16	24.50	SW.	Strong wind. .	Entire clear...	
27	35	23	29	S.	Light breeze..	Fair	
28	34	28	31	SW.	Calm	Cloudy	Snow during day.
29	37	27	32	SW.	Light breeze.	Fair	
30	39	25	32	SW.	Calm	.....do	
Monthly mean.			21.75				

Summary for November, 1886.

An earthquake occurred at Norris and vicinity at 1 a. m., the 7th instant. The hotel was shaken violently, dishes fell from the shelves in the china closets, and lamps were thrown from their brackets. Distinct waves followed during the following few days.

Average cloudiness (scale of ten)	4.38
Number of days on which cloudiness averaged 8 or more on a scale of ten	4
Number of days of snow	9
Depth of snowfall during the month ....inches..	7.5
Temperature during the month:	°
Highest	56
Lowest	—17
Mean	21.75

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

DECEMBER, 1886.

Dates.	Self-registering thermometer.			Winds.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1886.	°	°	°				
Dec. 1	40	22	31	SE.	Very light breeze.	Clear	
2	36	25	30.50	SE.	Light breeze	Fair	
3	33	26	29.50	SE.	Calm	Cloudy	Snow during night.
4	40	30	35	W.	do	Fair	
5	38	29	33.50	S.	do	do	
6	41	21	31	W.	do	do	
7	37	28	32.50	S.	Light breeze	do	Light snowfall in the afternoon.
8	41	34	37.50	SE.	Gentle breeze	do	Rain at intervals during day.
9	36	23	29.50	SE.	Calm	Cloudy	
10	31	11	21	NW.	do	Fair	
11	25	21	23	SE.	do	Clear	Snow during night.
12	32	22	27	SW.	Gentle breeze	Fair	
13	36	23	29.50	S.	Calm	Clear	Light snowfall in the morning.
14	34	18	26	S.	Light breeze	do	
15	31	26	28.50	SE.	Gentle breeze	Fair	
16	35	18	26.50	SW.	Calm	Entire clear	
17	26	19	22.50	NW.	Light breeze	Clear	Snow during night.
18	38	15	26.50	SW.	Calm	Entire clear	
19	44	18	31	S.	Gentle breeze	Fair	Snow at and during night.
20	26	17	21.50	SW.	Calm	do	
21	24	12	18	E.	Strong wind	do	
22	25	12	18.50	NW.	Fresh breeze	do	
23	24	16	20	SW.	Strong winds	do	
24	34	19	26.50	NW.	Strong wind	Cloudy	Snow.
25	30	—10	10	SE.	Fresh breeze	Entire cloudy.	Do.
26	18	8	13	W.	Calm	Cloudy	Do.
27	33	5	19	S.	do	Fair	Do.
28	41	24	32.50	SE.	Strong wind	Cloudy	Do.
29	36	26	31	S.	Fresh breeze	do	Do.
30	36	17	26.50	SE.	Calm	do	Do.
31	32	21	26.50	SE.	do	Fair	Do.
Monthly mean			26.27				

Summary for December, 1886.

Average cloudiness (on a scale of ten)	4.77
Number of days on which cloudiness averaged 8 or more on a scale of ten	8
Number of days of rain	1
Number of days of snow	15
Depth of snowfall during the month ..... inches	34.5
Temperature during the month:	°
Highest	44
Lowest	-10
Mean	26.80

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

JANUARY, 1887.

Dates.	Self-registering thermometer.			Winds.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1887.	°	°	°				
Jan. 1	38	24	31	W.	Gentle breeze.	Fair	
2	39	21	30	SE.	Strong wind	do	
3	32	20	26	NW.	Calm	Cloudy	Snow.
4	22	13	17.50	SE.	Gentle breeze	do	Do.
5	24	— 3	10.50	NE.	Light breeze	Entire cloudy	Do.
6	38	— 1	18.50	W.	Gentle breeze	Fair	Rain in the forenoon. Snow in the afternoon.
7	26	—12	7	N.	do	Fair	Snow in the forenoon.
8	6	—21	— 7.50	SW.	Calm	Clear	
9	14	— 3	5.50	SW.	Fresh breeze	do	
10	27	6	16.50	SE.	Gentle breeze	Fair	Light snowfall, forenoon.
11	28	10	19	SE.	Fresh breeze	Cloudy	
12	30	15	22.20	NW.	do	Entire cloudy	Snow.
13	32	18	25	SE.	Gentle breeze	Cloudy	Do.
14	38	20	29	S.	Strong wind	Fair	Rain and snow at intervals.
15	39	18	28.50	SW.	do	Entire cloudy	Snow.
16	20	8	14	SW.	Fresh breeze	Fair	Do.
17	22	4	13	SE.	Strong wind	do	Do.
18	29	10	19.50	SE.	High wind	do	Do.
19	40	20	30	SE.	Gale	do	Rain forenoon. Snow at night.
20	28	12	20	SE.	Fresh breeze	Cloudy	Snow.
21	30	16	23	W.	do	Fair	Do.
22	24	12	18	SW.	Light breeze	do	Do.
23	30	15	22.50	W.	Fresh breeze	Cloudy	Do.
24	32	12	22	NW.	do	Fair	Do.
25	17	3	10	SE.	do	do	
26	21	10	15.50	SW.	Strong wind	Cloudy	
27	22	11	16.50	NW.	do	Fair	
28	18	10	14	SW.	Gentle breeze	Cloudy	Snow.
29	28	18	23	S.	Calm	Entire cloudy	Do.
30	36	22	29	NW.	do	Cloudy	Do.
31	19	5	12	NW.	Light breeze	Fair	Light snowfall, afternoon.
Monthly mean			18.99				

Summary for January, 1887.

During the 18th heavy snow fell nearly all day, accompanied by high southeasterly wind (Force 5). At 3.10 p. m. on the 19th a northwesterly gale set in, and continued until 5 p. m. Thermometer fell rapidly from 38° at 3 p. m. to 20° at 5 p. m. Telephone wires and poles were blown down in several places between here and Norris.

There was a slight but distinct earthquake shock at Norris during the month. Exact information could not be obtained, because the lines are down.

Solar halos were observed on the 2d, lunar halos on the 2d and 3d.

Average cloudiness (scale of ten)	5.92
Cloudiness averaged 8 or more (scale of ten) on days	7
Number of days of rain	3
Number of days of snow	23
Depth of snowfall during the month inches	77
Depth of snow on the ground at the close of the month do	18
Temperature during the month:	°
Highest	40
Lowest	—21
Mean	18.5

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

FEBRUARY, 1887.

Date.	Self-registering thermometer.			Wind.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1887.	°	°	°				
Feb. 1	13	—28	— 7.50	NE.	Calm	Cloudy	Snow.
2	—16	—30	—23	NE.	do	Fair	Snow from 9 to 11 o'clock a. m.
3	16	—19	— 1.50	NW.	Light breeze	do	Snow at intervals.
4	28	—22	3	SE.	do	Entire cloudy.	Heavy snow.
5	31	— 2	14.50	SE.	do	Fair	Snow.
6	45	3	24	S.	Fresh breeze	Cloudy	Snow—rain, afternoon.
7	29	16	22.50	S.	do	Fair	Light snowfall at intervals.
8	31	15	23	SE.	Calm	Cloudy	Snow.
9	26	— 4	11	NE.	do	Entire cloudy.	Heavy snow.
10	10	—15	— 2 50	NE.	do	Fair	Snow.
11	25	— 7	9	SW.	Light breeze	do	
12	30	18	24	S.	Gentle breeze.	do	Snow.
13	29	20	24.50	S.	do	do	Do.
14	19	4	11.50	SW.	Calm	do	Light snowfall at intervals.
15	39	3	21	S.	do	Clear	
16	33	10	21.50	SW.	do	Cloudy	Snow.
17	28	12	20	W.	Light breeze	Fair	
18	29	3	16	NW.	Calm	do	
19	29	7	18	NW.	do	do	Light snowfall at intervals.
20	15	— 8	3.5	SE.	do	Entire clear	
21	24	0	12	SE.	do	Fair	Light snowfall, afternoon.
22	24	— 3	10.50	SE.	Light breeze	Clear	
23	25	7	16	SW.	Calm	Fair	Snow at night.
24	27	16	21.50	SW.	Fresh breeze; high wind at night	Cloudy	Snow.
25	24	3	13.50	SE.	Gentle breeze.	Fair	
26	25	12	18.50	SW.	do	do	Light snowfall at intervals.
27	39	19	29	S.	Calm	do	
28	47	28	37.50	S.	Gentle breeze.	Clear	
Monthly mean			15.2				

Summary for the month of February, 1887.

Average cloudiness	5.73
Cloudiness averaged 8 or more (scale of ten) on days	5
Number of days of rain	1
Number of days of snow	19
Depth of snowfall during the month inches	46.5
Depth of snow on the ground at the close of the month do	4
Temperature during the month:	°
Highest	47
Lowest	—30
Mean temperature	**16.5**

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

MARCH, 1887.

Date.	Self-registering thermometer.			Winds.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1887.	°	°	°				
Mar. 1	48	31	39.50	S.	Strong wind..	Fair.....	
2	42	24	33	SE.	Light breeze..	Cloudy.....	Snow.
3	35	3	19	N.	Calm.....	Clear.....	
4	42	2	22	SE.	Gentle breeze.	Cloudy.....	Snow.
5	36	25	30.50	SW,	Fresh breeze..	Fair.....	
6	45	27	36	W.	Gentle breeze	....do.....	Light snowfall.
7	46	30	38	SW.	Calm.....	....do.....	
8	44	20	32	SW.	..do.....	....do.....	
9	46	31	38.50	S.	Light breeze..	Cloudy.....	
10	54	38	46	SW.	....do.....	Fair.....	
11	55	36	45.50	SW.	Gentle breeze.	....do.....	
12	53	28	40.50	SW.	Calm.....	Clear.....	
13	54	27	40.50	S.	Fresh breeze..	....do.....	
14	54	32	43	SE.	Gentle breeze	Fair.....	
15	49	28	38.50	S.	Light breeze..	Cloudy.....	Sprinkling forenoon.
16	56	38	47	SW.	Calm.....	Clear.....	
17	59	32	45.50	SW.	....do.....	Fair.....	Light rain during night.
18	52	28	40	NW.	Gentle breeze.	Cloudy.....	Rain; light rain and snow; sleeting afternoon.
19	44	11	27.50	NW.	Calm.....	Clear.....	
20	52	13	32.50	SW.	do.....	....do.....	
21	36	21	28.50	NW.	Fresh breeze..	Fair.....	Snow during night.
22	55	15	35	SW.	Calm.....	Clear.....	
23	50	26	38	S.	Light breeze..	....do.....	
24	48	27	37.50	SW.	Calm.....	Fair.....	Light snowfall.
25	45	30	37.50	SW.	Fresh breeze..	...do.....	
26	35	20	27.50	NW.	Gentle breeze	....do.....	Sleeting forenoon; light snow afternoon.
27	47	17	32	SW.	Calm.....	Clear.....	Light snow forenoon.
28	58	30	44	S.	....do.....	Fair.....	
29	44	28	36	W.	Gentle breeze.	Entire cloudy	Rain; sleeting afternoon; snow during night.
30	40	22	31	SE.	Calm.....	Fair.....	
31	44	20	32	S.	Light breeze..	....do.....	Snow at and during night.
Monthly mean.			36.94				

Summary for March, 1887.

Average cloudiness	4.77
Cloudiness averaged 8 or more (scale of ten) on ....days..	1
Number of days of rain	3
Number of days of sleet	3
Number of days of snow	9
Depth of snowfall during the month ....inches..	6.5
Depth of snow on the ground at the close of the month ....do...	.5

Temperature during the month:	°
Highest	59
Lowest	2
Mean	**34.6**

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

APRIL, 1887.

Date.	Self-registering thermometer.			Winds.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1887.	°	°	°				
Apr. 1	52	36	44	SW.	Gentle breeze	Fair	
2	54	22	38	SE.	Light breeze..	Cloudy	Heavy snow afternoon; 2.50, high S. wind; 3.40, gale, NW,; 6.10, strong gale.
3	38	14	26	NW.	....do	Fair	
4	51	16	33.50	W.	Fresh breeze..	....do	
5	53	35	44	SW.	Calm	....do	
6	65	28	46.50	S.	Light breeze..	....do	
7	66	36	51	S.	Gentle breeze.	... do	
8	48	35	41.50	SW.	Calm	Cloudy	Light rain.
9	56	28	42	S.	.. do	Entire cloudy.	
10	47	30	38.50	NW.	Fresh breeze..	Cloudy	Light snow; rain afternoon.
11	40	29	34.50	SE.	Gentle breeze.	Cloudy	
12	47	28	37.50	S.	Fresh breeze..	Fair	Heavy snow 8.40 p. m. and during night.
13	52	20	36	NW.	Light breeze..	....do	
14	50	30	40	W.	Calm	....do	
15	58	24	41	NW.	Gentle breeze.	Cloudy	Light snow and rain.
16	54	31	42.50	NW.	Calm	Fair	
17	53	30	41.50	NW.	Strong wind..	Cloudy	Sleeting, followed by heavy snowfall.
18	35	21	28	W.	Fresh breeze..	Fair	
19	44	13	28.50	S.	Calm	....do	
20	42	28	35	W.	Gentle breeze.	....do	Snow at intervals.
21	31	27	29	NW.	Strong wind.	Entire cloudy.	Snow.
22	41	22	31.50	NW.	Fresh breeze..	Cloudy	Light snow and rain.
23	42	23	32.50	W.	Calm	Fair	
24	40	18	29	SW.	Light breeze..	Cloudy	
25	49	27	38	SW.	Calm	Fair	Snow at night.
26	56	32	44	S.	Light breeze..	Cloudy	Light snowfall.
27	62	36	49	S.	Calm	Fair	
28	67	38	52.50	S.	Light breeze..	....do	
29	70	41	55.50	S.	Gentle breeze.	....do	4.15 to 4.35 p. m. sprinkling, followed by strong S. gale and heavy rain.
30	41	33	37	NW.	Strong wind..	Cloudy	
Monthly mean.			38.92				

Summary for April, 1887.

Average cloudiness	6.08
Cloudiness averaged 8 or more on	days.. 11
Number of days of rain	5
Number of days of sleet	1
Number of days of snow	10
Depth of snowfall during the month	inches.. 14
Temperature during the month:	°
Highest	70
Lowest	13
Mean	36.9

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

MAY, 1887.

Dates.	Self-registering thermometer.			Winds.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1887.	°	°	°				
May 1	46	27	36.50	NW.	Fresh breeze..	Fair	
2	57	22	39.50	S.	Light breeze..	do	Snows during night.
3	56	37	46.50	SW.	Fresh breeze..	Cloudy	Rain.
4	58	39	48.50	S.	Gentle breeze.	Fair	
5	60	38	49	S.	High wind	do	
6	67	40	53.50	S.	Fresh breeze..	Clear	
7	46	30	38	SE.	do	Fair	Light snowfall.
8	63	36	49 50	SW.	Calm	do	
9	75	39	57	S.	do	Entire clear ..	
10	71	42	56.50	W.	do	Entire clear ..	
11	46	27	36.50	W.	do	Cloudy	Snow.
12	38	27	32.50	NW.	do	Fair	
13	36	24	30	W.	do	do	
14	54	23	38.50	S.	do	do	
15	56	28	42	W.	Fresh breeze..	Cloudy	Snow.
16	57	30	43.50	SW.	Calm	Clear	
17	74	30	52	S.	do	do	
18	76	40	58	S.	do	Fair	Rain, afternoon.
19	67	38	52.50	SW.	Light breeze..	do	
20	74	35	54.50	W.	Gentle breeze	do	
21	55	33	44	SW.	Light breeze..	Clear	
22	66	28	47	SW.	Gentle breeze.	Entire clear ..	
23	77	38	57.50	S.	Light breeze..	Clear	
24	77	42	59.50	S.	do	Fair	Sprinkling.
25	67	41	54	NW.	Calm	Cloudy	Rain.
26	73	37	55	W.	Light breeze..	Clear	
27	74	38	56	SE.	do	Fair	
28	75	38	56.50	W.	Fresh breeze..	Clear	
29	76	39	57.50	SW.	Calm	Entire clear ..	
30	89	39	64	SE.	Light breeze..	do	
31	81	47	64	W.	Calm	Cloudy	4.15 p. m. heavy rain accompanied by several distinct peals of thunder. 10 p. m., heavy rain and *hail*. Thunder-storm with strong electrical detonations and numerous lightning.
Monthly mean..			49.34				

Summary for May, 1887.

Average cloudiness	3.7
Cloudiness averaged 8 or more on	days.. 4
Number of days of rain	5
Number of days of hail	1
Number of days of snow	4
Depth of snowfall during the month	inches.. 2.5
Thunder-storms	1

Temperature during the month:	°
Highest	89
Lowest	22
Mean	47

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

JUNE, 1887.

Dates.	Self-registering thermometer.			Winds.		State of weather.	Remarks.
	Maximum.	Minimum.	Mean.	Direction.	Force.		
1887.	°	°	°				
June 1	68	43	55.50	SE.	Gentle breeze	Fair	High NW. wind set in during night.
2	45	30	37.50	NW.	High wind	Cloudy	Snow.
3	65	26	45.50	S.	Gentle breeze.	Fair	
4	51	39	45	SW.	Calm	do	Rain.
5	59	37	48	SW.	Gentle breeze.	Cloudy	Sprinkling.
6	61	38	49.50	S.	Calm	Fair	
7	69	36	52.50	SW.	do	Clear	
8	76	40	58	S.	do	do	
9	82	46	64	SW.	do	do	Rain, thunder-storm in the afternoon
10	72	39	55.50	S.	do	do	
11	74	41	57.50	W.	do	Fair	Light rain.
12	83	44	63.50	SE.	Gentle breeze	Clear	
13	81	40	60.50	S.	Light breeze	Entire clear	
14	76	46	61	S.	Calm	Cloudy	Rain and thunder-storm.
15	65	45	55	SE.	do	Fair	
16	66	41	53	S.	Gentle breeze.	do	Rain.
17	75	46	60.50	W.	Fresh breeze	do	
18	78	50	64	NW.	Calm	Clear	
19	78	47	62.50	SW.	Gentle breeze.	Fair	
20	71	40	55.50	W.	Light breeze	Entire clear	
21	75	37	56	W.	Calm	do	
22	85	41	63	W.	Light breeze	Fair	
23	76	49	62.50	S.	Calm	do	
24	81	39	60	S.	Light breeze	do	Threatening.
25	87	51	69	S.	Gentle breeze.	Cloudy	Rain, strong gale, and heavy rain during night.
26	59	42	50.50	S.	Strong wind	Fair	
27	73	33	53	NW.	Calm	Clear	
28	81	30	55.50	W.	do	Entire clear	
29	82	38	60	SW.	do	Fair	
30	81	42	61.50	W.	do	do	Sprinkling.
Monthly mean			54.84				

Summary for June, 1887.

Thunder-storms: 9th, temperature at the beginning of the rain, 2.20 p. m., 76°; during the storm at 3.50 p. m., 70°; at the close of the storm, 4.30 p. m., 74°; 14th, no considerable fluctuation of the thermometer.

Average cloudiness	3.68
Cloudiness averaged 8 or more on	days 3
Number of days of rain	8
Number of days of snow	1
Depth of snowfall	1.5

Temperature during the month:	°
Highest	87
Lowest	26
Mean	57

Meteorological record kept at Mammoth Hot Springs, &c.—Continued.

JULY 1887.

tes.	Self-registering thermometer. Maximum.	Minimum.	Mean.	Winds. Direction.	Force.	State of weather.	Remarks.
1887.	°	°	°				
July 1	76	39	57.50	S. W.	Light breeze .	Fair	Rain; thunder-storm.
2	72	40	56	S.	Calm	....do	
3	83	42	62.50	W.	....do	Clear	
4	89	49	69	SW.	...do	....do	
5	90	48	69	W.	...do	... do	
6	93	52	72.50	S.	Gentle breeze	Fair	Thunder-storm; rain and hail.
7	84	54	69	NW.	Fresh breeze .	Cloudy	Thunder between 2 and 3 p. m.
8	86	40	63	SW.	Calm	Clear	
9	87	48	67.50	SE.	Light breeze	Fair	
10	79	50	64.50	NE.	....do	Cloudy	Rain.
11	77	48	62.50	SW.	Gentle breeze	Fair	Heavy rain and thunder-storm during night.
12	83	39	61	SE.	Light breeze .	....do	Rain at intervals.
13	82	59	70.50	E.	Gentle breeze	....do	Rain, 1.15 to 2.20 p. m.
14	83	52	67.50	SW.	Fresh breeze .	....do	Heavy rain and thunder-storm; light rain at night.
15	76	46	61	SE.	Calm	Clear	
16	81	51	66	W.	do	....do	
17	86	53	69.50	SE.	Gentle breeze.	Fair	
18	82	52	67	NW.	Fresh breeze .	... do	Light rain; afternoon.
19	73	47	60	SW.	Calm	Cloudy	Light rain; thunder-storm.
20	73	50	61.50	NW.	Gentle breeze.	. do	Rain; thunder-storm.
21	72	45	58.50	NW.	Light breeze .	Fair	Rain, hail; thunder-storm.
22	75	49	62	W.	Calm	Clear	
23	84	39	61.50	S.	Gentle breeze	....do	
24	85	47	66	S.	Calm	Fair	
25	82	40	61	SW.	....do	Clear	
26	65	43	54	NW.	Fresh breeze .	Fair	
27	79	40	59.50	NE.	....do	Clear	
28	81	41	61	W.	High wind ...	Fair	2.50 p. m. Strong westerly gale set in; ended with rain and thunder-storm.
29	78	39	58.50	SW.	Calm	Clear	
30	86	40	63	W.	Gentle breeze.	Fair	
31	88	51	69.50	NW	... do	....do	
Monthly mean.			63.60				

Summary for July, 1887.

Thunder-storms: 1st, no considerable fluctuation of thermometer. 6th, thermometer between 12 and 1 o'clock p. m., 93°; fell rapidly during the approach of the storm; at 2 p. m., 70°; 2.20 p. m., 65°; at the close of the storm, 2.50 p. m., 62°. 11th, during night. 14th, thermometer at 12 m., 82°; fell rapidly to 50° at 1 p. m. 19th, accompanied with strong electrical detonations; thermometer fell from 66° at 2.40 p. m., to 53° at the close of the storm at 5.40 p.m. 20th, passed over. 21st, temperature. 76°; 12.35 p. m., 57°; at the close of storm, 1.15 p.m., 51°; 2 p. m., 62°. 28th, no considerable fluctuation of thermometer.

Average cloudiness	4.38
Cloudiness averaged 8 or more on	days.. 4
Number of days of rain	12
Number of days of hail	2
Temperature during the month:	°
Highest	93
Lowest	39
Mean	61.1

B.

DEPARTMENT OF THE INTERIOR,
YELLOWSTONE NATIONAL PARK, OFFICE OF SUPERINTENDENT,
Mammoth Hot Springs, Wyo., April 24, 1887.

SIR: In the month of January last one William James went to the Norris Geyser Basin with a number of teams, under an alleged contract with the Park Association, to haul lumber between the Grand Cañon and the Norris Basin.

The depth of snow having rendered the hauling of lumber impracticable, he sent back the largest portion of his outfit, but remained himself at Norris.

A few days ago I received information which caused me to believe that James was engaged in trapping beaver on the Gibbon River, near Norris. I accordingly sent a party on the 20th instant, at night, on snow-shoes, to this locality, with instructions to make diligent search, and, in the event of finding any evidence of trapping operations, to arrest Mr. James and any other persons whom they might believe to be implicated in violating the rules of the Park.

The party, with a sergeant of my troop in charge, proceeded to the locality indicated, and, having found three beaver traps set and baited along the Gibbon River, went to the Norris Hotel, and, having searched the premises, found in an out-building, which was used by James as a store-house and granary, five beaver-skins and one lynx-skin.

Having found these evidences of unlawful acts, the sergeant, in obedience to my orders, arrested James, and, having reported to me by telephone, sent him to this place on the 22d instant.

James, when examined by me, admitted that he had trapped and killed the beaver and lynx, and also that he had, in company with one Brown, an employé of the Park Association, killed an elk near the Falls of the Yellowstone, in the month of February last.

There appearing to be no doubt whatever as to the guilt of this man James, I have this day summarily expelled him from the Park.

The property found in the possession of James, which I have taken charge of, consists of the following articles, viz: 1 Martin rifle; 3 beaver traps, number 4; 5 beaver-skins, 1 lynx-skin, 4 horses, 2 sleds, 4 sets of harness, 3 chains, 2 pairs of blankets, 1 A tent, 1 whip, 1 coffee-pot, 1 frying-pan; also a small quantity of bacon, flour, coffee, and sugar, about four days' supply for one man.

James states that the two sleds belong to the Park Association, and that two of the horses belong to Mr. Wakefield, who carried on the business of transportation in the Park last season. This statement is probably correct.

This property is now at the Norris Geyser Basin, in charge of Sergeant John Swan, of my troop, who made the arrest, where it must remain until the melting of the snow shall make it practicable to bring it to this place, which will probably be in about two weeks.

I recommend the confiscation of all of this property which James has acknowledged as belonging to him, and request that I be informed with as little delay as practicable what disposition I shall make of it.

I am, sir, very respectfully, your obedient servant,

MOSES HARRIS,
Captain First Cavalry, Acting Superintendent.

Hon. H. L. MULDROW,
Acting Secretary of the Interior.

C.

DEPARTMENT OF THE INTERIOR,
YELLOWSTONE NATIONAL PARK, OFFICE OF THE SUPERINTENDENT,
Mammoth Hot Springs, Wyo., July 7, 1887.

SIR: For the information of the Department, I have the honor to report that on the night of the 4th instant one of the stages of the Yellowstone Park Association was stopped by footpads about 1 mile from the town of Gardiner, and about the same distance within the limits of the Park, and the passengers robbed of money to the amount of $16. The robbers appeared to be new at the business, were nervous and hurried, took what money was given them without searching the passengers for more, and took no watches or jewelry.

The town of Gardiner, which is located just outside the northern boundary of the Park, is destitute of all means for the preservation of law and order, and is the resort of hard and worthless characters who assemble to prey upon the visitors to the Na-

tional Park, and who have been excluded from the Park by my order. It is believed that this outrage was committed by some of these hard cases from the town of Gardiner.

The affair has no significance with reference to the police condition of the Park, and could not have occurred at any distance within its border.

Stages entering the Park at night will hereafter be provided with a mounted escort in order to prevent the possibility of a repetition of this offense.

All possible efforts are being made to detect and arrest the culprits, and it is hoped that they may be successful.

Very respectfully, your obedient servant,

MOSES HARRIS,
Captain First Cavalry, Acting Superintendent.

Hon. H. L. MULDROW,
Assistant Secretary of the Interior.

D.

TRANSPORTATION RATES.

(1) CHARLES GIBSON YELLOWSTONE PARK ASSOCIATION.

STAGE-ROUTE FARES.

Single trips.

From Mammoth Hot Springs to—	
Cinnabar	$1 50
Norris Geyser Basin	4 00
Lower Geyser Basin	7 50
Upper Geyser Basin	9 00
Grand Cañon	7 50
Yellowston Lake	12 00
From Norris Geyser Basin to—	
Upper Geyser Basin	5 00
Lower Geyser Basin	3 50
Grand Cañon	3 50
Yellowstone Lake	8 00
From Lower Geyser Basin to—	
Upper Geyser Basin	1 50
Norris Geyser Basin	3 50
Grand Cañon	7 00
Mammoth Hot Springs	7 50
From Upper Geyser Basin to—	
Lower Geyser Basin	1 50
Norris Geyser Basin	5 00
Grand Cañon	8 50
Mammoth Hot Springs	9 00
From Grand Cañon to—	
Norris Geyser Basin	3 50
Lower Geyser Basin	7 00
Upper Geyser Basin	8 50
Mammoth Hot Springs	7 50
Yellowstone Lake	5 00

Round trips.

From Mammoth Hot Springs to Norris Geyser Basin, Lower Geyser Basin, Upper Geyser Basin and return, with stop-over privileges	18 00
From Mammoth Hot Springs to Norris Geyser Basin, Lower Geyser Basin, Upper Geyser Basin, Grand Cañon and return, with stop-over privileges	25 00
From Mammoth Hot Springs to Norris Geyser Basin, Lower Geyser Basin, Upper Geyser Basin, Grand Cañon, and Yellowstone Lake and return, with stop-over privileges	28 00
Carriage, two-horse, and driver:	
Per day	10 00
First hour	4 00
Each subsequent hour	2 00

Saddle-horse or pony:		
Per day		$2 50
First hour		1 00
Each subsequent hour		50
Pack-horse	per day	1 50
Guide, with saddle-horse	do	5 00

(2) WALTER J. AND HELEN L. HENDERSON, COTTAGE HOTEL.

Fare to and from Cinnabar		$1 50
Trip around the park with two or more persons	each	25 00
Wagon or carriage:		
Two horses and driver	per day	10 00
Four horses and driver	do	15 00
Single horse and buggy	do	6 00
Saddle-horse:		
Per day		2 50
For one hour		1 00
For each subsequent hour		50
Pack animal	per day	2 00
Guides or cooks for camping parties	do	3 00
Use of a tent	do	50
Board and lodging for camping parties, each	do	4 00
Single horse:		
To hay and grain, one night		1 00
To one feed of hay and grain		50
Use of corral:		
Per team one night		25
Per head		15
For trunk to and from Cinnabar	each	50

(3) JAMES A. CLARK.

From Cinnabar to Mammoth Hot Springs, in carriage (driver included), per person		1 50
From Mammoth Hot Springs to Golden Gate:		
One person in carriage		2 50
Three or more persons	per person	1 00
From Mammoth Hot Springs to East Gardiner Falls:		
One person in carriage		4 00
Three or more persons	per person	1 50
From Mammoth Hot Springs to Norris Geyser Basin	each person	4 00
From Norris Geyser Basin to Lower Geyser Basin	do	3 00
From Lower Geyser Basin to Upper Geyser Basin	do	2 00
From Norris Geyser Basin to Falls or Grand Cañon	do	3 00
Four-horse team and driver with five passengers' outfit	per day	15 00
Two-horse team and driver with three passengers' outfit	do	10 00
Regular trip through Park:		
Saddle horse without guide	do	3 00
Guide with saddle horse	do	2 50
Pack horses with saddle and outfit, each	do	1 00
Packers, guides, and cooks, with saddle horse	do	4 00
Team with single-seated carriage	do	8 00
Team, with single-seated carriage and driver	do	10 00
Team, to hay and grain, over night		2 00
Use of stall in barn	per day	50
Use of open corral over night for stock		3 00
Single horse to grain		50
Stock in herd, night or day	each	25
Saddle, without horse	per day	50

E.

CAMP SHERIDAN, WYOMING, *June* 2, 1887.

ORDERS No. 37.]

1. Orders No. 5, dated Camp Sheridan, Wyo., August 21, 1886, is hereby revoked.

2. The enlisted men of this command, when on duty within the limits of the Yellowstone National Park, are charged with its protection, and will under all circumstances enforce a strict compliance with the established rules and regulations.

The soldiers occupying the detached stations for the protection of the Park will not only enforce the rules and regulations, but will exert themselves to discover and prevent the spread of forest fires, to protect visitors to the Park from any abuse or extortion by stage drivers or other persons, and generally to preserve respect for law and order.

In the enforcement of the regulations of the Park and the foregoing instructions soldiers will conduct themselves in a courteous and polite but firm and decided manner.

They will not hesitate to make arrests when necessary, reporting without delay to the commanding officer by telephone or otherwise.

By order of Captain Harris.

GEO. W. GOODE,
Second Lieutenant First Cavalry, Post Adjutant.

F.

RULES AND REGULATIONS OF THE YELLOWSTONE NATIONAL PARK.

DEPARTMENT OF THE INTERIOR, *Washington, April* 4, 1887.

(1) It is forbidden to remove or injure the sediments or incrustations around the geysers, hot springs, or steam vents; or to deface the same by written inscription or otherwise; or to throw any substance into the springs or geyser vents; or to injure or disturb, in any manner, any of the mineral deposits, natural curiosities, or wonders within the Park.

(2) It is forbidden to ride or drive upon any of the geyser or hot-spring formations or to turn loose stock to graze in their vicinity.

(3) It is forbidden to cut or injure any growing timber. Camping parties will be allowed to use dead or fallen timber for fuel.

(4) Fires shall be lighted only when necessary and completely extinguished when not longer required. The utmost care should be exercised at all times to avoid setting fire to the timber and grass.

(5) Hunting, capturing, injuring, or killing any bird or animal within the Park is prohibited. The outfits of persons found hunting or in possession of game killed in the Park will be subject to seizure and confiscation.

(6) Fishing with nets, seines, traps, or by the use of drugs or explosives, or in any other way than with hook and line, is prohibited. Fishing for purposes of merchandise or profit is forbidden by law.

(7) No person shall be permitted to reside permanently or to engage in any business in the Park without permission, in writing, from the Department of the Interior. The superintendent may grant authority to competent persons to act as guides and revoke the same in his discretion.

(8) No drinking saloon or bar room will be permitted within the limits of the Park.

(9) Private notices or advertisements shall not be posted or displayed within the Park, except such as may be necessary for the convenience and guidance of the public, upon buildings on leased ground.

(10) Persons who render themselves obnoxious by disorderly conduct or bad behavior, or who violate any of the foregoing rules, will be summarily removed from the Park under authority of the statute setting apart the Park "as a pleasuring ground for the people," and providing that it "shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish such rules and regulations as he shall deem necessary or proper," and who "generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the object and purposes of this act."

L. Q. C. LAMAR,
Secretary of the Interior.

○

REPORT

OF THE

UTAH COMMISSION.

SIR: The great interest which has been manifested by Congress and the people generally in the affairs of Utah Territory has led us to believe that the following statements with respect to the Territory and its citizens will prove to be interesting information, especially so in view of recent events which have transpired in the Territory.

AREA.

Utah Territory has a maximum length of 325 miles by a breadth of 300. Its land area is 84,970 square miles (52,601,600 acres); water area, 2,780 square miles (1,779,200 acres). Nearly 13,000,000 acres of land have been or are now in progress of survey. Up to July 1, 1887, nearly 4,500,000 acres had been disposed of by the Government.

Valuation of property assessed in the several counties of the Territory of Utah; also the amount of property assessed in the names of non-Mormons, railroads, Western Union Telegraph and Telephone Companies, for the year 1886 (*mines not included*).

Counties.	Total valuation.	Belonging to non-Mormons.	Assessed to railroads, Western Union Telegraph and telephone companies.
Beaver	$771,805	$181,558	$103,702
Box Elder	2,209,425	160,805	1,379,971
Cache	2,075,460	232,684	117,358
Davis	1,124,713	74,314	235,473
Emery	825,011	224,050	425,380
Garfield	173,807	25,375	.....
Iron	434 415	14,454	.....
Juab	1,078,751	85,151	299,606
Kane	206,518	26,570	.....
Millard	867,863	151,575	364,073
Morgan	397,626	34,834	185,589
Piute	219,888	48,125	.....
Rich	350,170	113,894	.....
Salt Lake	12,457,625	4,690,790	526,795
San Juan	304,760	*160,000	.....
San Pete	1,257,333	173,072	18,956
Sevier	550,743	*159,025	.....
Summit	1,725,080	*760,000	407,000
Tooele	1,012,761	107,216	109,420
Uintah	139,825	91,056	.....
Utah	3,240,676	506,162	528,475
Wasatch	356,658	62,500	.....
Washington	726,151	71,783	.....
Weber	3,158,738	976,466	405,216
Totals	35,605,802	9,131,459	5,107,014

* Estimated. In Summit County the estimate was made upon information received from a member of the county court; in Sevier and San Juan Counties, upon information received from reliable sources.

The non-Mormons own within a fraction of 25.61 per cent.; the Mormons own 60.07 per cent., assuming that all the remaining property, excepting railroads, etc., belongs to them. This, however, is not the fact, as there is a considerable amount of property belonging to non-Mormons in the different counties which could not be identified as to ownership. The railroads, etc., represent within a fraction of 14.32 per cent. They are owned by non-Mormons, except a minority interest in the Utah Central and one other small road.

POPULATION.

The first census of the Territory of Utah, taken in 1850, showed the population to be 11,380; the census of 1860, 40,273; of 1870, 86,786; and the latest, that of 1880, 143,963. The gain from 1850 to 1860 was 28,893, or 250 per cent.; from 1860 to 1870, 46,513, 110 per cent., or 1,150 for every 1,000 of population; from 1870 to 1880, 66 per cent., or 660 for every 1,000. The total gain from 1870 to 1880 was 23 per cent. greater than the total increase from 1860 to 1870. If the same relative gain has continued from 1880 to 1887, the increase would be 22 per cent. greater than from 1870 to 1880, and 43 per cent. greater than from 1860 to 1870, or a population in 1887 of 210,478. We estimate, however, the population at 200,000. The prosperity of the past seven years has been equal to that of any former period in the history of the Territory. The leading cities and towns and many of the smaller communities show a steady and gratifying growth. In the more remote counties the settlements have been gradually creeping to places formerly the habitat of wild animals and the hunting-ground of the Indian, supposed to be too desolate for habitation.

Emery county, which had but 2 organized precincts in 1880, has 12 in 1887; Piute county, 4 in 1880, has 11 in 1887, etc. There is every reason to claim that the same relative gain has been maintained, and that Utah now has a population of at least 200,000. This population is divided into two elements, Mormon and non-Mormon.

THE MORMON ELEMENT.

The Mormon element consists of the members of the Church of Jesus Christ of Latter-Day Saints.

On April 1, 1887, the total Morman population in the Territories of Utah, Idaho, Arizona, Wyoming, and New Mexico, and the States of Nevada and Colorado, was 162,383, officially classed and ranked as follows: Three first presidents, 11 apostles, 65 patriarchs, 6,444 seventies, 3,723 high priests, 12,441 elders, 2,423 priests, 2,497 teachers, 6,854 deacons, and 81,283 members; total officers and members, 115,699. Children under eight years of age, 46,684. Grand total of souls, 162,383.

In the Territory of Utah the total number of officers and members and children under eight years of age was 132,297. (Children are baptized at the age of eight and received as members.)

The first Mormon settlement in the great inter-mountain basin was made at Salt Lake City, July 24, 1847. From thence the settlements have gradually extended along the base of the mountains wherever water could be found to irrigate the soil, until now they reach from as far north as the shores of the Bear Lake, Idaho, to the banks of the Gila, Arizona, on the south, and from the western part of Colorado, Wyoming, and New Mexico, to southeastern Nevada. These settle-

ments, with but few exceptions, have been made in the agricultural belt. At first the settlers experienced many of the hardships incident to pioneer life, but they met them cheerfully, and were delighted with the prospect before them. They had come to "a glorious valley to locate and build up Zion," and, as they believed, where they could practice undisturbed by human laws the peculiar teachings of their religious faith. They found a fertile soil, formed by denudations from the mountains, which has always, from the day it was first disturbed by the plow-share, been profusely bountiful in its yield, and the declivities of the mountains covered with bunch grass (wild wheat), which furnished rich pasturage to their cattle. They also found a climate not surpassed by that of any portion of the country, where the rays of the summer sun are tempered by the cool breezes from the cañons, and the severity of the winter is softened by the mountains which shelter the valleys. These beautiful valleys are now dotted with thriving settlements, and have the appearance of a vast garden watered from an infinite number of irrigating canals, the result of the industry of the people.

These settlements have been organized into bishop's wards, and these wards into stakes of Zion. The boundaries of the wards are mainly co-extensive with the precinct lines, and the boundaries of the stakes with the county lines. There are in Utah 293 wards, in Idaho 52, in Arizona 28, in Nevada 6, in Colorado 4, in Wyoming 3, and in New Mexico 2, a total of 388. There are in Utah 18 stakes, in Arizona 3, in Idaho 2, in Colorado 1, and 6 partly in Utah and some one of the surrounding States and Territories. The wards are presided over by a bishop and two counselors, and a corps of officers, priests, teachers, and deacons, who look after the different districts into which the wards are divided. The stakes are presided over by a president and two counselors, with a similar corps of officers to assist them. The entire church is presided over by either a first presidency or an apostle's quorum. Three times in the history of the church a first presidency has been organized; the last consisting of John Taylor, with George Q. Cannon and Joseph F. Smith as his counselors. The death of John Taylor has dissolved the first presidency, and the government of the church now rests upon the quorum of the twelve apostles, of which Wilford Woodruff, an aged and energetic man, is president. He is now the virtual head of the church, which will continue to be governed by the apostles, it is presumed, until another revelation is received reviving the first presidency.

The wards report to the stakes, the stakes to the head of the church. There are, however, other officers and organizations of importance in the church. There are seven first presidents of the seventies. The seventies are local organizations, consisting of a quorum of seventy elders; each of these organizations is governed by seven presidents, and each of the seven presidents by a president. There is a presiding bishop of the church whose most important duty seems to be the collection of the tithes (he has agents, one in each of the stakes), and a head patriarch who blesses the people by the laying on of hands. There is also a high council in each of the stakes whose work is done in secret. In each of the ward districts the quorum of teachers are directed to visit each family periodically and look after their spiritual welfare. Each ward has a meeting-house, young men's mutual improvement society, primary association for young children, and a relief society.

The various organizations report semi-annually, and there is kept at the church office in Salt Lake City a complete statistical history of the

church. The number of members, marriages, births, deaths, baptisms, excommunications, &c., are set forth in detail.

The Mormons believe in the Bible (Old and New Testament), the Book of Mormon, and the revelations claimed to have been made to the prophets of the church. These revelations relate to various subjects, from the apportionment of town property down to the naming of church officers and affairs connected with the church government. One of the revelations known as the "Word of wisdom" counsels the people not to use strong drinks, tobacco, and hot drinks (tea and coffee) The revelation commanding polygamy was said to have been received from the Lord by Joseph Smith in Nauvoo, Hancock County, Illinois, July 12, 1843. Its binding force upon the Mormon people, believing as they do in their church and its teachings, will be understood from the following extract:

> For behold, I reveal unto you a new and everlasting covenant; and if ye abide not that covenant then are ye damned, for no one can reject this covenant and be permitted to enter my glory.

In the church government obedience is exacted from every member. In removing from one ward to another they must secure a recommendation from their bishop, which certifies to their standing in the church. Persons desiring to be married, or to enter into polygamy, must also secure a recommendation from the bishop of their ward. Every member must hold himself ready, irrespective of personal considerations, to leave his home to go as a missionary to other lands, and he must also be ready to remove his family and effects to such place as the heads of the church may direct him to go. The Mormon settlements in Arizona and other places outside of Utah were made in obedience to such a command. At the Utah stake conference, held February 27, 1881, the names of twenty-nine heads of families were announced as missionaries for permanent settlement at Saint John's, Ariz. In a few weeks these families were on their way to make a new home in a strange place. At other conferences held in Southern stakes, at different times, many families were also sent as missionaries to Arizona.

The Mormon church teaches its members not to enter the Territorial courts to settle their difficulties. It has provided a system of courts within the church. First, there is a ward court known or designated as a "bishop's court," consisting of the bishop and his two counselors. They are empowered to try all minor cases arising among the people, both of a temporal and spiritual nature, and to sit in judgment upon trangressors. For a long period they assumed jurisdiction of questions of marital separation and divorce; but we are not advised as to whether this jurisdiction is still exercised. From this court an appeal lies to the "stake court," consisting of the president of the stake and his two counselors. This court has also original jurisdiction. The court of last resort, possessing appellate, original, and exclusive jurisdiction, is the first presidency, or the apostles' quorum, as the case may be. The mandate of this court must be accepted and obeyed, under penalty of excommunication, which means a denial of all the benefits of the church, social ostracism, and a withdrawal of the patronage and support of the Mormon people.

The payment of tithing and other donations for the support of the church is vigorously urged as a religious duty. At a church conference President John Taylor said:

> You want to pay your tithing honestly and squarely, or you will find yourselves outside the pale of the church of the living God.

The amounts collected from the people for tithing exceeded $500,000 annually. In 1870 the amount was $425,000; in 1880, $540,000. The amount received for temple building is also very large. At the October conference of 1880 it was announced that the uncompleted Manti and Logan temples had cost to date, respectively, $207,977.35 and $252,147.78.

The building of the Salt Lake Temple was commenced September 6, 1853, and will not be finished for years to come. It has cost millions of dollars. The church has become quite wealthy. In 1880 John Taylor stated that the church held $430,000 of the paid-up capital stock of Zion's Co-operative Mercantile Institution, which pays large dividends, and which was organized by Brigham Young for the purpose of depriving non-Mormons of Mormon patronage. It owns or did own the Deseret telegraph system; the Zion's Savings Bank; the Deseret Evening *News;* the Deseret paper-mill; a church farm south of Salt Lake City of over 1,300 acres; street-railway stock; stock in the Deseret and other national banks; railroad shares and bonds; and a large amount of real estate in Salt Lake City and elsewhere of great value.

The heads of the church teach and impress upon the people to be united and submissive in their political action to the will of the leaders of the church. At a general conference of the church President Taylor said:

> We have to lay aside our covetousness and our pride and our ideas that are wrong, and be united in our political affairs, in our temporal affairs, under the direction of the holy priesthood, and act as a mighty phalanx under God in carrying out his purposes here upon this earth.

In connection with this exercise of political control is the dream of empire which all through their history has cheered them with its pleasing illusions of future power. They teach and preach and apparently believe that the portion of the country in which they now reside was set apart to become the abiding place of the saints, where is to be erected the kingdom of God upon earth. Their missionaries preach that God has commanded his people to gather to the mountains, to the Zion of the Lord, to receive their inheritance at the hands of his servants. This idea is very clearly set forth by Brigham Young, in a remarkable thanksgiving proclamation from him as governor of the Territory, dated December 19, 1851. We reproduce the opening paragraph. The italics are ours:

> It having pleased the Father of all good to make known his mind and will to the children of men, in these last days, and through the ministration of his angels, to restore the holy priesthood unto the sons of Adam, by which the gospel of his son has been proclaimed and the ordinances of life and salvation are administered, and through which medium the Holy Ghost has been communicated to believing, willing, and honest minds, causing faith, wisdom, and intelligence to spring up in the hearts of men, and influencing them to flow together from the four quarters of the earth to a land of peace and health, rich in mineral and vegetable resources, *reserved of old in the councils of eternity for the purposes to which it is now appropriated;* a land choice above all other lands, far removed from strife, contention, divisions, moral and physical commotions that are disturbing the peace of the nations and kingdoms of the earth.

The church leaders have been very much disturbed by the sale of property to non-Mormons, and have from the pulpit urged upon the people not to sell their inheritance in Zion, that has been entrusted to them to carry out the purposes of the Lord, and not for the purposes of gain.

The people are very tenacious of what they claim to be their rights, *and have never yielded a point.* They stand to-day where they stood when they first entered the Territory. They persistently claim that

they have been persecuted. September 29, 1851, in a letter to the President, Governor Young said:

> That no people exist who are more friendly to the Government of the United States than the people of this Territory. The Constitution they revere, the laws they seek to honor. But the non-execution of those laws in times past for our protection, and the abuse of the power in the hands of those we have supported for office, even betraying us in our hour of our greatest peril and extremity, by withholding the due execution of the laws designed for the protection of all the citizens of the United States.

Similar protestations of loyalty have been made from time to time down to a very recent period.

Undoubtedly in Missouri and Illinois they were the victims of many unlawful attacks; but there has always been something in their methods which have excited the opposition and the distrust of every people among whom they have lived. They have been invited and had it in their power while in Utah to settle honorably the contest which has been waged between the Government and them. All that has been asked of them is to acknowledge the supremacy of the law.

The Mormons control a territory almost as large as the area of the States of New York and Pennsylvania combined, and a controlling influence in a tract of territory as large as that of the New England and Middle States combined. They have established in this Territory a religious system, with a political attachment, the two forming a strong compact government, with the power of control centered in a few men who claim the right to speak by Divine right, and whose advice, counsel, and command is a law unto the people.

The majority of the Mormons are a kindly and hospitable people. They possess many traits of character which are well worthy of emulation by others. In their local affairs they strive to suppress the vices which are common to settled communities. In matters of religion they are intensely devotional, rendering a cheerful obedience to their church rules and requirements. They possess many of the elements which under wise leadership would make them useful and prosperous people.

THE NON-MORMON ELEMENT.

The strength of the non-Mormon element cannot be accurately stated. The population of the Territory has been given at 200,000. If from this be deducted the strength of the Mormon element, 132,277, we have 67,723 not claimed by the Mormon church; but of these there are many whose sympathies remain with it. They have been raised in Mormonism and, although they have drifted away, they probably act with their former friends in political matters. The non-Mormon strength will probably not exceed 55,000.

In Salt Lake City and Ogden they have prosperous communities, mainly engaged in business. The strength of the element, however, is to be found in the mining camps. Gold and silver mining began in Utah in 1869–'70. Since then a vast amount of capital has been invested in mines.

The great body of the Gentiles are equal in intellect, courage, and energy to those of any other community. When they went to Utah they found all the agricultural land that had water convenient already appropriated. Both the land and the water had been secured, and land without water is practically worthless for agriculture in that Territory. There was nothing left for them but the mines. These they searched for and, as found, opened. This is work that none but superior men can

carry through. It takes capital, courage, faith, sagacity, endurance, and ceaseless work. Of all the mines found some have brought rich returns. But of these a vast proportion goes for labor, for supplies, for machinery, and to make roads. Silver mines are generally found among almost inaccessible mountain tops, and every movement connected with them is costly. These mines have yielded, up to the present time, $96,000,000. Quite half the sum has been paid to Mormons for labor and supplies, and through this, from a very poor people, they have become very prosperous. They possessed the land when the Gentiles went among them, but they were so poor that some whole families did not secure $10 in money throughout the year.

What the Gentiles have been able to accomplish has been in spite of the Mormon combined competition and opposition. They wrenched from the rugged and barren mountain tops the gold and silver until they owned of the assessed property of the Territory nearly one-third, exclusive of railroad property.

A brief description of the Little Cottonwood mining district, where mining is conducted under more than ordinary difficult circumstances, will convey an adequate idea of the toil and danger which attends, and of the superior abilities required for, successful mining. This mining district is located in Little Cottonwood Cañon, the mouth of which is some 15 miles distant from Salt Lake City. Entering the cañon, the granite walls rise 4,000 feet above the valley. The granite forms the cone, around which the mountains have grown until their peaks are 13,000 feet above the level of the sea and nearly 8,000 feet above the valley. Passing up the cañon the granite walls continue for 5 miles, rising in grandeur far above the tramway which transports passengers and freight to the mining town of Alta, 8 miles above. The grade is over 350 feet to the mile. Snow-sheds cover the rails nearly the whole distance. Leaving the granite, we pass a great quartzite reef, interspersed with shales. Above this the limestones (the Silurian, Devonian, and Carboniferous) rise in succession. In the limestones the ore is found, and scattered around the steep declivities can be seen the cabins of the miners. The rock is so hard that the average cost of tunneling is some $10 per foot. Miles of tunnels have been run at an enormus cost. The snow commences to fall in August and September and continues until the following May. The average fall is 30 feet. At Alta City, where the elevation is nearly 9,000 feet, the average depth covering the ground the winter through is 15 feet. The citizens communicate with each other through tunnels run under the snow. The tramway is closed in the early fall, and the only means of communication with the valley below for six months of the year is by a hazardous trip down the cñaon through the deep snow. The snow gathers around the summits of the peaks in such heavy masses that snow-slides are of frequent occurrence. Since 1870, 132 persons have perished in this cañon from these slides, and the town of Alta has been repeatedly swept as if by a cyclone. Many of the miners work in the mines all the year round. One has built a cabin under the summit of "Old Baldy," a peak between the Little Cottonwood and American Fork Cañons, 10,500 feet above the level of the sea. In these high altitudes the rocks which lift their heads through the soil become bare. The tempests have left them naked and gray. A life in these vast solitudes is not very enchanting, and yet thousands of energetic, able, and patriotic men pass their lives among them, the great majority deprived of many of the comforts of life, and, by unremitting toil, contributing to the material wealth of the Territory.

Leaving the mining camps and returning to the valleys we find the non-Mormons supplying the majority of the capital which is invested in the different avenues of business, and the brains which give life and force to the different channels of trade. They are also engaged in the important work of educating the youth of the Territory. By their efforts mission schools have been established in Salt Lake City, Ogden, and nearly every community of importance in the Territory, which have been very successful.

In Salt Lake City the Protestant Episcopal Church established its first school in 1867. Then it had a school with 16 pupils; now it has 4 schools with 29 teachers and 589 pupils. The Methodist Church opened its first school September 20, 1870, with 28 pupils; now they have 20 schools with 36 teachers and 1,060 pupils. The Presbyterians opened their first school April 12, 1875, with 30 pupils; now they have 33 schools with 67 teachers and 2,110 pupils. The Salt Lake Academy opened its doors in the fall of 1878, under the auspices of the Congregational Church. They had, in 1886, 22 schools with 43 teachers and 1,900 pupils. The Baptist Church came into the Territory in 1884. They have 1 school with 1 teacher and 74 scholars. The first Catholic school was commenced in the fall of 1875; they now have 6 schools with 53 teachers and 880 pupils. The Swedish Lutheran Church opened a school last year with 1 teacher and 35 pupils. A grand total of 87 schools, 230 teachers, and 6,668 scholars.

These different denominations have now in Utah 62 churches of the value of $453,950, as follows:

Denomination.	Number of churches.	Value.
Protestant Episcopal	4	$127,650
Methodist	26	119,000
Catholic	6	25,300
Presbyterian	18	115,000
Congregational	5	25,000
Swedish Lutheran	1	12,000
Baptist	1	25,000
Josephite Mormon	1	5,000

Also 12 preaching stations.

The non-Mormons have always been regarded as intruders in Utah, and are referred to as "outsiders." Within the past five years one of the first presidency of the Mormon church in an address delivered in the Mormon Tabernacle, in substance said, "We ought never to have let them secure a foothold here;" and this expresses the sentiments of the great majority of the Mormon people. They attribute the troubles which have come to their leaders to the presence of these "outsiders," and not to the awakened public sentiment of the nation. The non-Mormons who have played a conspicuous part in the work of reforming the Territory are referred to as "aggressive persons, blatant assailants of the religion and politics of the majority of the business men and people of the Territory, "conspirators and adventurers." In illustration of this feeling we refer to the organization of the chamber of commerce at Salt Lake City. This movement was made under the lead of Governor West, and business men of every shade of opinion were invited to participate and to work for the common benefit of all.

The prominent non-Mormons became members of the chamber. The Deseret Evening *News*, the authorized exponent of the views of the

Mormon church, speaking of the movement and referring to them, said:

> How much harmony can be expected in such a heterogeneous commingling of antagonistic forces. If the business men of the Territory want to work together for business purposes, all such plotters against the peace of the Territory and obstacles to its material interest will necessarily have to withdraw or be removed from the organization. How can any man with self-respect fraternize and hold intimate relations with persons who have deliberately plotted and labored with all their might to misrepresent him and his friend and rob them of every political right that is valued by free men. Through their efforts the wives, daughters, sisters, and mothers of the business men who are invited to help boom these agitators into influence and prosperity have been deprived of the franchise and relegated to political serfdom, on a level with felons, idiots, and lunatics.

This extract thoroughly explains the feeling entertained by the majority against those of the minority who have been persistent in urging Congress to provide a remedy for the evils which they believe to exist there.

The chamber of commerce was organized, is prosperous, and has proved a valuable ally to the business community. The non-Mormon element has brought to Utah enterprise and capital, the school-book, and the Bible. Their mining industries have created a market for the sale of the surplus products of the Mormon farmer, and employment for the surplus labor; their schools and churches are promoting the temporal and spiritual welfare of the people. The majority of the non-Mormons impress us as being enterprising and public-spirited citizens, who are warmly attached to their country and its laws.

THE POLITICAL HISTORY OF UTAH AND POLYGAMY.

The political history of the Territory of Utah and the system of plural marriage are so closely interwoven that the one cannot be considered separate and apart from the other. In fact, since July 24, 1847, polygamy has given tone to the political policy of the Mormon people. Under the provisional government of the State of Deseret, and the Territorial government which followed after, every act of the legislative assembly which had, even remotely, a political bearing, was voted up or down solely upon the question of its relation to the overshadowing interest. Every effort has been made to strengthen polygamy which the strength of forty years could suggest, and every chord has been struck which it was supposed might send back a responsive and friendly note.

The result has been that nearly every man of prominence in the church became a polygamist; the controlling intellect of Utah became involved in the practice. They filled nearly every office of importance in the church, and in the Territorial and county governments, and had a large majority of every legislative assembly down to the year of 1882, when the "Edmunds law" disqualified them. Utah was governed by men who seemed determined to build up in the heart of the American continent a polygamous empire.

The statistics for 1880 will give an idea of how far they had progressed.

The census found a population of 143,962, of which 60,576 were over twenty-one years of age; about 10,000 of these are estimated to be non-Mormons.

The number of persons then living in polygamy was found, after careful inquiry, to be about 12,000, and there were at least 3,000 who had lived in polygamy, but a separation had been effected by death or

otherwise, making a total of 15,000, or 30 per cent., of the adult Mormon population, or one out of every 3⅓, who had entered into polygamy. While all did not enter into polygamy, all believed it right as a divine revelation and upheld it in those who chose to enter into the relation. The system was united by ties of kindred with nearly every Mormon family in the Territory.

Utah was controlled by the bishops of the church, under the direction of Brigham Young, from July 24, 1847, to March 18, 1849, at which time was organized the provisional government of the State of Deseret. The apostle sof the church, in a general epistle, said they had petitioned Congress for the organization of a Territorial government, and until the petition was granted they were under the necessity of organizing a local government. Brigham Young was elected governor of the State. The most important act of the legislative assembly of the new State was the incorporation of the Church of Jesus Christ of Latter-Day Saints, section 3 of which we here produce, under the form of law, and which, we think, directly sanctioned the practice of polygamy:

SEC. 3. *And be it further ordained*, That, as said church holds the constitutional and original r ght, in common with all civil and religious communities, "to worship God according to the dictates of conscience," to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ; for the security and full enjoyment of all blessings and privileges, embodied in the religion of Jesus Christ free to all; it is also declared that said church does, and shall possess and enjoy continually, the power and authority, in and of itself, to originate, make, pass, and establish rules, regulations, ordinances, laws, customs, and criterions for the good order, safety, government, conveniences, comfort, and control of said church, and for the punishment and forgiveness of all offenses, relative to fellowship, according to church covenants; that the pursuit of bliss and the enjoyment of life, in the capacity of public association and domestic happiness, temporal expansion, or spiritual increase upon the earth, may not legally be questioned, *Provided, however*, That each and every act or practice so established, or adopted for law, or custom, shall relate to solemnities, sacraments, ceremonies, endowments, consecrations, tithings, marriages, fellowship, or the religious duties of man to his Maker; inasmuch as the doctrines, principles, practices, or performances support virtue and increase morality, and are not inconsistent with, or repugnant to the Constitution of the United States, or of this State, and are founded in the revelations of the Lord.

The Edmunds-Tucker act of March, 1887, annulled this act, and directed the Attorney-General of the United States to close up the affairs of the church.

January 27, 1851, the news reached Salt Lake City that Congress had created the Territory of Utah, and that President Fillmore had appointed Brigham Young Territorial governor. No appointment could have been made which would have been more satisfactory to the Mormons. Brigham Young was their leader, ruler, and prophet. He was reappointed governor by President Pierce, and served till July 11, 1857. The influence of this appointment upon the future of Utah was far-reaching. It enabled the Mormon people to adopt a system of laws which gave them absolute control over the Territorial government, and stripped the Federal officers of all authority and power. At an early day laws were passed conferring upon probate courts concurrent jurisdiction with the district courts, and owing to the claim and exercise of jurisdiction by these probate courts, under Territorial laws, the district courts, as representatives of the national authority, continued to be practically nullities until 1874. In 1874 (by the Poland act) Congress defined and limited the jurisdiction of the several grades of courts in the Territory.

The act as it passed the House of Representatives placed the power of naming jurors for the courts with the United States marshal; but

by a provision of the act imposed at its last stage, the power to name one-half of the panel was restored to the old agency, by reason of which acts of Congress distasteful to Utah remained dead letters till 1882–'83, when the "Edmunds act" disqualified Mormons from jury service in polygamy and unlawful cohabitation cases.

In 1885 it was held and affirmed in the case of Rudger Clawson, indicted for polygamy, that the district courts were not confined to the panel so named, but, after its exhaustion, might resort to an open venire. This decision removed the clog from the enforcement of the laws which had existed for over thirty years (the result which followed from the appointment of Brigham Young as governor). Prosecutions and convictions for polygamy and unlawful cohabitation under the laws of Congress became possible, and so successful and efficient have these prosecutions been for three years past that a great number of convictions, particularly for the latter offense, have been had, and a large number of offenders, including the most prominent and influential leaders, have fled or gone into concealment to avoid conviction. In furtherance of the purpose of obtaining control of the Territory, an independent military organization was established by law in violation of the organic act which makes the governor of the Territory "commander-in-chief of the militia thereof." This independent organization was forced to disband by Governor Shaffer in 1870. Laws were also adopted for the election of certain officers which the organic act imposes upon the governor the duty of appointing. The Attorney-General of the United States has decided the power to appoint lies with the governor, but the legislative assembly persistently refuses to remedy the wrong.

In 1851 polygamy was publicly proclaimed as a tenet of the church by alleged "Divine revelation," by Brigham Young, president of the Mormon church and governor of the Territory.

At a special conference of the Mormon church, held at Salt Lake City during the same year, was begun the controversy between the Mormon people and the representatives of the Federal Government, which has continued till the present time. Judge Brocchus, of the Territorial supreme court, who was present, rebuked the people for their polygamous practices. His speech was, as he said, "the result of deliberation and care." It gave great offense to Brigham Young and the Mormon people, who charged him with falsifying "the eternal principles of truth," and with insulting the Mormon women.

From 1851 to 1862 polygamy flourished unchecked and uncontrolled. The Mormon people claim that plural marriage during this period was not unlawful. Certainly there was no statute law against the practice of polygamy, and if the common law did not come into the Territory at the time the United States acquired possession they are right, but it is an indisputable fact that the common law was in full force during these years. The act of 1862 provides that—

> Every person having a husband or wife living who marries another, whether married or single, in a Territory or other place over which the United States has exclusive jurisdiction, is guilty of polygamy, and shall be punished by a fine of not more than $500, and by imprisonment for a term of not more than five years.

The Mormon people claimed the law was not constitutional. At the first session of the legislative assembly following, Governor Harding, in his message, said:

> I respectfully call your attention to an act of Congress passed the first day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and in other places, and disapproving and annulling certain acts of the Territorial legislative assembly of the Territory of Utah. I am

aware that there is a prevailing opinion here that said act is unconstitutional, and therefore it is recommended by those in high authority that no regard be paid to the same, and still more be regretted, if I am rightly informed, in some instances it has been recommended that it be openly disregarded and defied merely to defy the same. I take this occasion to warn the people of this Territory against such dangerous and disloyal courses. Whether such acts are unconstitutional or not, it is not necessary for me either to affirm or deny. The individual citizen, under no circumstances whatever, has the right to defy any law or statute of the United States with impunity. In so doing he takes upon himself the risk of the penalties of that statute, whatever they may be, in case his judgment should be in error. The Constitution has amply provided how and where all such questions of doubt are to be submitted and settled, viz, in the courts constituted for that purpose. To forcibly resist the execution of this act would be, to say the least, a high misdemeanor, and if the whole community should become involved in such resistance would call down upon it the consequences of insurrection and rebellion. I hope and trust that no such rash counsel will prevail. If, unhappily, I am mistaken in this, I choose to shut my eyes to the consequences.

The timely advice contained in the recommendations of Governor Harding was not heeded. The people continued to violate the law with impunity. The courts and the officials were powerless, under the Territorial statutes, to enforce and execute the punitory provisions of the law. The anomalous condition of affairs was presented of the will of the nation being ignored by a few men who claimed the sanction of Divine authority for their acts. It is reported that the Mormons make the claim that they were led to believe by national authority that the law of 1862 was not to be enforced, but was to remain a dead letter on the statute books. Certainly this was an error, and nothing but the fact that the time of Congress was occupied with matters involving the life of the nation, and, after the war, with other matters of importance, prevented prompt and energetic action on the subject. Congress has at every opportunity taken occasion in the most signal manner to express its abhorrence of the practice of polygamy. On June 23, 1874, the "Poland act" became a law. It was the first law by which Congress had struck at the judicial system under the cover of which the Mormons had so long rendered the district courts powerless. The jury panel was now to be selected by the clerks of the district courts and the probate judge of the county in which the terms of court were held. Two hundred names were to be selected annually, 100 by each. The experiment of mixed juries proved a failure. The grand juries were about equally divided, which rendered abortive all attempts to indict polygamists. In 1878 a partial relief came from an unexpected source. The legislative assembly passed an act regulating the mode of procedure in criminal cases, which provided for challenges for actual bias to be tried by triers appointed by the court. When the case of Miles, indicted for polygamy, was reached for trial, the district attorney challenged the Mormon jurors for actual bias. The court appointed triers and the challenge was sustained. The Mormon legislature had practically adopted the California code, which contained this provision, probably not anticipating such a construction by the court. The act popularly known as the "Edmunds act" was approved March 22, 1882. A penalty for polygamy was made the same as that fixed by the laws of 1862. A penalty was also provided "against any man who simultaneously, or on the same day, married more than one woman." "Simultaneous" nuptials was an expedient adopted to protect those who chose to violate the laws. The law further provided a penalty for unlawful cohabitation. Heretofore the law made the marriage the crime. Now, the living together, the holding out of two or more women to the world as wives, was made a misdemeanor. The great necessity for this amend-

ment arose from the difficulty of securing the conviction of polygamists.

The entire Mormon community conspired to conceal the evidence of such marriages until the statute of limitations would prove a bar to prosecution; then the polygamous relation would be openly acknowledged. Before the passage of this act the Mormon leaders were frequently seen on the streets, in the theaters, and other public places with their polygamous wives. The law also provided for amnesty to such offenders as would in good faith renounce polygamy. Eighty-one persons have thus far been amnestied by the President. The issue of polygamous marriages before January 1, 1883, were legitimated.

The vital importance of making the continuance of the polygamic relation a misdemeanor is seen in the incipient contest which it has produced in the Mormon Church. At first, several of the persons thus arraigned promised in open court to obey the laws thereafter, and this in the face of strenuous opposition. The *Deseret News*, the Church organ, editorially proclaimed that no Mormon could consistently make such a promise without violating obligations which bound him for time and eternity. Those who did so were referred to in a manner calculated to make their neighbors feel that they had incurred disgrace. In the case of John Sharp decisive action was taken. He was a prominent man in the Territory, a gentleman of high character, who had secured the respect of the people. He had the courage and patriotism to appear in court and announce his intention to obey the laws. He was promptly removed from the office of bishop of the twentieth ward of Salt Lake City, in which office he had become endeared to the people by associations extending beyond a period of twenty years. It was thought that his patriotic force would have an influence upon others and encourage them to respect the law. Hence the summary treatment he received.

During the two years ending August 31, 1887, but two or three persons convicted of unlawful cohabitation have promised to obey the law to escape imprisonment.

At the September term, 1887, of the third district court the first two persons convicted of unlawful cohabitation promised to obey the law for the future. It is proper we should here say that an opportunity has always been given to these people, by the court, to escape punishment by a promise to obey the laws.

Since the passage of the Edmunds law of 1882 the following number of persons have been indicted and convicted for unlawful cohabitation and polygamy:

Offense.	Number indicted.	Number convicted.
Unlawful cohabitation	541	289
Polygamy	27	14
Total	568	303

Many of the persons indicted have fled, or have concealed themselves to escape arrest.

In the enforcement of the law the present officers of the Federal courts in Utah are entitled to special commendation, and this should also include the late able and efficient prosecuting attorney.

While but a small proportion of the offenders have been convicted, the tension produced by these prosecutions cannot be overestimated. Actuated by a determination not to recognize the supremacy of national

laws where they forbid crimes sanctioned by a religious creed, it is not surprising that the leaders have resorted to unusual methods to defeat the law, and so great is their influence and so compact their organization, that the entire membership have been a unit in aiding and abetting the offenders in their obstructive course and in escaping the penalty of their crimes. The law of 1882 invites the Mormon people, through their legislative assembly, to bring Utah into harmony with the expressed will of the nation; to recognize the fact that every interest must remain subordinate to the general welfare and be subjected to the Constitution and the laws; to cease the wretched policy of evasion and resistance to law, which, if persisted in, will destroy the public pride and result in moral decay; and to correct the wrongs which have so long held Utah up to the public gaze in deplorable pre-eminence.

Governor Murray, in his message to the legislative assembly of 1884, the first after the passage of the Edmunds act of 1882, and again in 1886, called attention to the invitation to the Mormon people contained in the law, and expressed his willingness to co-operate with them in the adoption of proper measures.

The national laws relating to bigamy and polygamy have been in effective operation for about three years.

Standing face to face with the law, the leaders and their obedient followers have made no concession to its supremacy, and the issue is squarely maintained between assumed revelations of the laws of the land. As late as August 23, 1887, and seven weeks after the adoption of the proposed State constitution at Provo City, Utah, a public reception was tendered by the Mormon people at their meeting-house to several persons, polygamists, who had just been released from the penitentiary. Among the speakers were two of the stake presidency, two bishops and elders of the church, nearly all of whom were polygamists, and who proclaimed their intention to live in the future as they had in the past.

The two elements of population are divided into the People's party (Mormon) and the Liberal party (non-Mormon). Up to 1870 the Mormons had no opposition, except in 1867, when a non-Mormon candidate for Delegate to Congress received 105 votes. The Liberal party was organized in 1870, and has continued to maintain its organization up to the present time. Its highest vote was polled for Philip T. Van Zile, candidate for Delegate to Congress at the first election held under the law of March 22, 1882. He received 4,884 votes against 23,039 for John T. Caine. This brings us down to the registration and election of 1887.

THE REGISTRATION AND ELECTION OF 1887.

The first annual election since the act of Congress prescribing a registration oath for voters was held on August 1, of this year, and was preceded by a registration under that act, made in the months of May and June last. The Commission, after careful consideration, to aid in securing uniformity of action by the registration officers, formulated and submitted to them for their use, as an advisory act on the part of the Commission, a form of registration oath, substantially in the words of the act, as follows:

TERRITORY OF UTAH,
County of ———, *ss:*

I, ——— ———, being duly sworn (or affirmed), depose and say that I am over twenty-one years of age; that I have resided in the Territory of Utah for six months last past, and in this precinct for one month immediately preceding the date hereof;

and that I am a native born (or naturalized, as the case may be) citizen of the United States; that my full name is ——— ———; that I am ——— years of age; that my place of business is ——— ———; that I am a (single or) married man; that the name of my lawful wife is ——— ———, and that I will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes," and that I will also obey the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' approved March 22, 1882," in respect of the crimes in said act defined and forbidden, and that I will not, directly or indirectly, aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication.

Subscribed and sworn to before me this ——— day of ———, 188—.

——— ———,

Deputy Registration Officer for ——— Precinct, ——— County.

Although the person applying to have his name registered as a voter may have made the foregoing oath, yet if the registrar shall, for reasonable or probable cause, believe that the applicant is then, in fact, a bigamist, polygamist, or living in unlawful cohabitation, incest, adultery, or fornication, in our opinion the registrar may require the applicant to make the following additional affidavit:

TERRITORY OF UTAH,
County of ———, ss:

I, ——— ———, further swear (or affirm) that I am not a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabitating polygamously with persons of the other sex, and that I have not been convicted of the crime of bigamy, polygamy, unlawful cohabitation, incest, adultery, or fornication.

——— ———.

Subscribed and sworn to before me on this ——— day of ———, 188—.

——— ———,

Deputy Registration Officer for ——— Precinct, ——— County.

NOTE.—Those parts of the above forms in relation to being "sworn or affirmed," and as to being a "native born or naturalized citizen," and as to being a "single or married man," should be changed by erasure or a line drawn through the words so as to be applicable to the case.

Prior to the registration, and under the date of April 4, 1887, the central committee of the People's party (Mormon) issued an address, advisory, to the voters of the party, in which the oath prescribed by the act was commented upon, interpreted, and explained, and the voters informed that, as to male voters, there is nothing in the act which need necessarily reduce their numbers; that duty called them to wakefulness and activity, and all who could take the oath were urged to do so. The substance of the interpretation is in this extract:

The question that intending voters need, therefore, ask themselves are these: Are we guilty of the crimes in said act; or, have we the present intention of committing these crimes, or of aiding, abetting, causing or advising any other person to commit them? Male citizens who can answer these in the negative can qualify, under the existing laws, as voters and office-holders.

This interpretation does not seem to be a correct exposition of the law, and is well adapted to quiet the conscience of the voter and invite him to find his mind free from any intention relating to the subject. The clear meaning of the law is that the voter must have *a present affirmative intention to obey the law in the future;* while the interpretation given by the People's party invites him to take the oath, he can merely say *he has not a present affirmative intention to violate the law.* The law prescribes a rule of action to bind the voter for the future which can

not be broken without subjecting him to the reproach of moral perjury.

When a law can be assumed to express the will and belief of a people subject to its provisions, those who have not formed the intention to violate it, may fairly be assumed to have the intention to obey it, and in such cases the distinction between an *actual* intent to obey, and a *formal* intent to disobey, a law might not be of much practical importance, for a good citizen who had not formed an intention to violate the law might well be assumed to have an intention to obey it. When, however, the law expresses neither the will nor the belief of a great majority of a people, the assumption of the intention to obey cannot be affirmed from the absence of a formal intention to disobey, and, like some other inviting ground, the field of *no intention* may be broad, and, to those who may wish to occupy it, very desirable. The address was well calculated to invite the "intending voter" to silence the promptings of his conscience in relation to an institution which they claim is "interwoven with their dearest and earliest hopes connected with eternity" in favor of increasing the number of voters of the "People's" party. The address further contained the remarkable statement that this was "not a time to indulge in "bogus" sentiment.

Members of the Liberal party, in view of the evasive interpretation given by the central committee of the "People's" party, were not satisfied with the form of oath formulated by the Commission, and asked the Commission to recommend a form of oath which they claimed was necessary to bring the true intent and meaning of the law within reach of the conscience of the voter, as follows:

TERRITORY OF UTAH,
County of ——— *ss:*

I, ——— ———, being duly sworn (or affirmed), depose and say that I am over twenty-one years of age; that I have resided in the Territory of Utah for six months last past, and in this precinct for one month preceding the date hereof; that I am a native-born (or naturalized as the case may be) citizen of the United States; that my full name is ——— ———; that I am — years of age; that my place of business is ——— ———; that I am a married (or single) man; that the name of my lawful wife is ——— ———; that I will support the Constitution of the United States, and will faithfully obey the laws thereof; that I will especially obey the acts of Congress prohibiting polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication; that I will not hereafter at any time, within any Territory of the United States, while said acts of Congress remain in force, in obedience of any alleged revelation, or to any counsel, advice, or command, from any persons or source whatever, or under any circumstances, enter into plural or polygamous marriage, or have or take more wives than one, or cohabit with more than one woman; that I will not at any time hereafter in violation of said acts of Congress, directly or indirectly, aid or abet, counsel or advise, any person to take, have, or to take more wives than one, or to cohabit with more than one woman, or to commit incest, adultery, or fornication; that I am not a bigamist or polygamist; that I do not cohabit polygamously with persons of the other sex, and that I have not been convicted of any of the offenses above mentioned.

——— ———.

Subscribed and sworn to before me this ——— day of ———, 18——.

——— ———,
Deputy Registration Officer for ——— *Precinct,* ——— *County.*

This request the Commission declined, in substance holding the form previously recommended contained all the requirements of the law, in the language of the law, and that they did not feel authorized to recommend any additions to that form.

The discussion settled nothing, but only brought out more clearly that no test oath as to future conduct is of any value to prevent infractions of the law; that whether a law will or will not be violated is a matter depending on motives and conditions which no test oath can reach or

remove, and the probabilities in the case will be largely affected by the opinions of the person and community in which he lives as to whether the law is constitutional and morally just, and whether or not the prohibited act is morally and religiously right or wrong.

In all of the election districts the form recommended by the Commission was used by the registration officers, although the other form was distributed by the Loyal League, a non-Mormon organization. In one district the registrar attempted to use the form suggested by the Liberal committee, but he was removed and another appointed, who used the Commission's oath. In another district the registrar claimed the right to ask voters questions not contemplated by the law, and was promptly removed.

The form of oath suggested by members of the Liberal party was first used in the third district court, presided over by Chief Justice Zane, and is now used in the district courts of the Territory for the qualification of jurors.

The total registration in the Territory was 20,585. At the general election of the Territory held on August 1, 1887, there were 13,395 votes cast for People's party candidates, and 3,255 votes for Liberal party candidates, for the legislative assembly.

The People's party elected 10 councilors and 21 members. The Liberal party 2 councilors and 3 members. The Liberals, if they had registered and voted their full strength, could have elected at least 1 member more of the council and 2 members of the house. The total vote cast in the Territory for all officers was 16,901.

The returns were canvassed by a board consisting of five reputable persons appointed by the Commission. The total number of county, precinct, and municipal officers elected was 470.

THE MOVE FOR STATEHOOD.

The present year has been marked by proceedings to form a constitution on which to demand admission to the Union of States, the fourth attempt for that purpose in the history of the Territory.

Before the election, and on June 16, 1887, a call appeared signed by the chairman and the secretary of the People's party (Mormon), calling upon the people of Utah, irrespective of party, creed, or class, to assemble in mass conventions in their respective counties on June 25, 1887, at 12 m., for the purpose of appointing delegates to a convention to be held at Salt Lake City on the 30th day of June, 1887, to frame a constitution preparatory to an application to Congress for admission to statehood.

The non-Mormons were distrustful of the move, and unitedly declined to join the convention or to recognize it. They gave as reasons for declining that in view of the past history of Utah it was a proper case for Congress, in accordance with the general rule, to say when the time for such a move had arrived, and by an enabling act give it authority when, how, and by whom the convention should be called, and how conducted; that they did not understand this sudden and, to them, unannounced call; that the entire proceeding was carried out by the dominant party, and delegates chosen without regard to forms of election or disqualification of voters, without previous discussion, and from wholly unauthorized sources; and, above all, they did not think the attitude of the great majority of the people of Utah towards the laws and authority of the General Government had been such as to invite

the full confidence of Congress in their fidelity to the laws and Government, and to justify that body in granting sovereign statehood.

The convention met and, with surprising unanimity, adopted a proposed constitution, which declares bigamy and polygamy to be misdemeanors, and affixes punishment. It also provides that no further legislation shall be required to make or define these offenses; that the provision is not amendable without the consent of Congress, and proclaims the separation of church and State. The instrument is silent as to the offense of unlawful cohabitation.

The Mormons claim that having taken this action the people ought not to be longer denied a voice in the conduct of their own affairs, and in the selection of officials to carry on the government; that in a Territorial condition citizens are deprived of the rights and powers which are the strength and glory of American citizenship; that as a Territory they are excluded from participation in affairs that vitally concern them; that Utah has the population, the material interests, the intelligence, the stability, and the regard for republican principles and institutions which are necessary to the establishment of a free and sovereign State; that the movement for statehood was not sectarian, partisan, or confined to any sectional interest; but that the call was broad and comprehensive and included citizens of every creed and class; that the convention adopted a constitution in good faith, which is as liberal and fair and as patriotic as that of any State; that it was the work of monogamous citizens acting in their capacity as citizens; that, until it can be shown to be otherwise, their action should be accepted in good faith, and the constitution should be judged by its plain language and terms; that the question of whether under the constitution the provisions against polygamy will be enforced by the officials of the proposed State is a question that must be left to the future, and that time alone will show that every community proposing to come into the Union as a State must be given a fair opportunity to prove whether or not they will carry out the provisions of their charter; that they have never been accused of insincerity by any one who knows what they have endured rather than make promises they did not intend to keep; that the religion of the people should not be dragged into the consideration of measures which are purely political; that in answer to the assertion that, as a State, they will continue to build up their church, they claim the Mormon people have the constitutional right to use every means not inconsistent with the laws of the land to secure converts to their religious faith, unrestrained by any constitutional or legal provision; that Congress has not the right to interpose, as a condition precedent to the admission of the proposed State, that any church shall cease preaching its doctrines or endeavoring to make proselytes; that admitting there is no grant of power under which Congress may sanction an amendment to a State constitution, should Congress refuse to act, the Constitution can not be amended in respect of the offenses named; that the proposed constitution does not presume to say that the President or Congress shall exercise the powers granted them, but leaves the matter to their discretion; that a Territory, as a matter of right, is entitled to admission into the Union of States whenever it possesses the necessary population and has a constitution in harmony with republican institutions; that acting through the only class of citizens who enjoy the privilege of the elective franchise, the monogamous Mormons, they have met the wishes of the nation by a constitution which provides for the punishment of those offenses which have excited the hostility of the nation, and having done so, they now ask to be allowed to hereafter control the affairs of the

Territory, as the Constitution of the United States intended they should; that the opposition to the admission of Utah as a State comes from a class who have been the bitter and consistent enemies of the Mormon people, and who are inspired by the hope of bringing the people, while in a Territorial condition, within their power.

The above we believe to be a fair summary of the reasons which the Mormons urge in favor of statehood for Utah.

The action of the convention and the result of its labors did not tend to allay, but rather to increase, the apprehensions and opposition of the non Mormons. They make many objections to the admission of Utah as a State at present, and unanimously declined to vote upon the subject or in any way recognize the move. The following is a summary of some of their objections:

That the action taken is without authority from the proper source and not entitled to any recognition, and is accompanied by many and strong evidences of evasion and bad faith in professing an abandonment of polygamy and the accompanying social evils, with the intent to acquire statehood, and without any intent to restrain and punish such offenses, but merely to intrench them behind statehood; that the historical attitude of the great body of the people towards the laws on this subject had not changed down to the eve of calling the convention, and that until then the Mormons, their press and pulpits, had not ceased to declare the laws of Congress unconstitutional and their enforcement persecution; that though the press and pulpits suddenly became silent, with indications in a few places of a muzzled silence, there was still no sign or intimation of any change of sentiment in words or acts, and the hostility to the enforcement of existing laws and Federal authority was still as active and general as before; that scarcely any Mormon in good standing would even promise to obey the laws in the future to escape punishment after conviction in court; that they were unable to understand how the great body of the people could undergo an overnight conversion on the subject of these offenses, when the day before their consciences were so strong that nothing could induce them to promise bedience to the laws; that the *Deseret Evening News*, their leading and uncompromising organ had, after the framing of the proposed constitution, and before the election, printed an editorial leaving the question to the voters with the most judicial fairness, but ending with the advice to be "as wise as serpents and harmless as doves;" that in view of their past history the first evidence of a bona fide intent to obey and execute laws making these offenses punishable should be a cessation of hostility to present laws and the announcement of obedience to them; that notwithstanding the great unanimity in the convention and in the subsequent vote of the people, no member of the convention or voter has, in the constitution or elsewhere, declared he considered or believed either of the offenses named is or should be a misdemeanor or punishable, but the provision in the constitution is introduced by the remarkable whereas, for the reason that somebody, perhaps some wicked persons at Washington, deem those crimes incompatible with a republican form of government, they are made misdemeanors and punishable; that it is not easy to conceive why the incompatibility should be limited to a republican form of government, or why it should not extend to every form of civilized government, unless full force is given to the dogma taught by the dominant sect, that the only true and rightful government is a theocracy in which the powers of government are derived from God and delegated to ministers, who govern by divine right; that no constitutional provision can execute itself, but requires prosecutors,

jurors, and judges, all of whom, under statehood, would be Mormons, and if a whole people can be suddenly converted one way in one night, they might be susceptible to a reconversion equally sudden, and all the prosecuting powers become hostile to the law; that the rules of evidence and the laws of marriage under statehood are proper subjects of State legislation, and while a marriage without witnesses may be good, a rule of evidence that it requires one or more witnesses to the direct fact of marriage to commit polygamy would leave the constitutional provision worthless, and should the courts adopt the rule, still existing in some States, that on a charge of bigamy cohabitation and the repute of marriage are insufficient to prove the marriage, no new law or rule of evidence would be needed; that it is historical there are many polygamists in Utah, and as such marriages are conceded the number is unknown, and so far as the constitution is concerned all these could live openly with their numerous families as soon as the Federal law ceased, and point to their relations as the reward of those who had lived up to the privileges of their religion; that there is no grant of power in the constitution authorizing Congress to sanction or refuse an amendment to the constitution of a sovereign State; that the people of a State can not deprive themselves of the power to amend a constitution the creation of their will, nor can they legislate to bind those that come after them; that the Mormons have hitherto justified their opposition to the Federal laws under plea of conscience in respect to religious matters, but they have apparently made their consciences a marketable commodity and statehood the exchangeable value if they offer in good faith to suppress these offenses, unless their religious views have suddenly changed, of which there is no evidence or pretense; that the claim that this constitution emanates from and is the work of non-polygamous Mormons is no argument in its favor; that good citizenship does not involve only the question who in fact practices polygamy, but also who believes in it as a moral and religious right, superior to all human laws, and hence will be influenced in his conduct by such belief; that the non-polygamists have always been a large majority, but have in every way upheld the polygamists, have been equally active and bitter in their opposition to the laws, and without their aid and support the polygamists could not so long have defied the laws; that there has been no evidence of any struggle or contest between the polygamists and monogamists, but all have acted with the greatest possible harmony and vied with each other in attaining the wisdom of serpents and harmlessness of doves. That the church leaders, who control in such matters, have never manifested in any manner their intention to cease to enforce the practice of polygamy by their people, but that their silence indicates that the converse of the proposition is true; that the Mormon church has never abandoned its purpose of ultimately becoming a controlling political power, and adopts this method of promoting it; and further, that if the non-polygamists have reached this conclusion, that the law in respect to these offenses is superior, and that it is the first duty of citizens to obey the laws of Congress prescribing rules of conduct, it is an easy matter for them to announce it and give some evidence of their good faith.

In accordance with these views the non-Mormons abstained from voting on the subject at the polls, desiring not to recognize the movement in any manner whatever.

Th monogamous Mormons cast 13,195 votes in favor of the constitution, 500 votes being cast against it.

The action of the Mormon people in adopting a constitution which forbids polygamy and bigamy, in view of their past history, is an anomaly which demands some explanation. In all its Territorial history, Utah, under the control of the dominant sect, which is in reality a political organization, with aims and methods which are political, has stood arrayed in opposition to laws of Congress on these subjects and still maintains united efforts to nullify them.

To arrive at a fair conclusion of the opinions and purposes of the Mormon people with respect to polygamy, it is proper that the views and expressions of their press and pulpits should be considered.

The Deseret *News*, in its issue of October 6, 1880, said:

> But we claim the right under the Constitution of our country to receive just as many Divine communications as the Almighty chooses to bestow, and to follow these revelations without molestation or hindrance. At the same time it is our intention to abide by the laws of our country. When we refer to the laws of the land, we wish to be understood that we make one exception; that is, the law framed and pushed through Congress for the express purpose of preventing us from obeying a revelation from God, which we have followed in faith and practiced for many years.

The claim thus made has been reiterated by the first presidency of the church from time to time. In their address of July 24, 1885, they said:

> We cannot, however, at the behest of men, lay aside those great principles which God has communicated to us, nor violate those sacred and eternal covenants which we have entered into for time and eternity.

Nothing has transpired to lead us to believe that the views thus expressed by their church organ, and most prominent leaders, are not entertained by the Mormon people to-day.

The call for the assembling of mass-meetings to appoint delegates to meet in convention and frame a constitution was evidently the result of a very sudden inspiration, so much so that the Deseret *News* editorially said: "It would occasion some surprise." There had been no previous discussion in the press, nor among the people, in relation to such a movement, which was conceived and carried through with the utmost haste.

Within fourteen days after the call was promulgated delegates appointed to frame the constitution had met in convention.

The election of delegates to constitutional convention by means of mass-meetings does not commend itself to persons who have been accustomed to see the important duty of framing a constitution for a sovereign State approached with care and deliberation, in accord with the general will of the people, and under proper authority, with no other aim and purpose than to advance the interests of all and not of a particular class.

The provision in the constitution with reference to polygamy and bigamy is as follows:

> SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor. Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than $1,000 and imprisonment for a term of not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

The crime of polygamy is to be a misdemeanor (in every other State it is a felony), and is punishable by a fine of not more than $1,000 and by imprisonment for a term of not more than three years, whereas, un-

der the federal law the fine is fixed at a sum not exceeding $500 and imprisonment for a term not exceeding five years.

Under the Federal law polygamists are denied the right to vote and to hold office, but under this proposed constitution persons who have committed, or who shall hereafter commit, the crime of polygamy, and all such as continue to live in that crime, will be invested with the full rights of citizenship. Under the Federal law unlawful cohabitation is punished by a fine not exceeding $300 and by imprisonment for a term not exceeding six months; under the proposed State this offense, which perpetuates the evils of polygamy against society and posterity, is to go unpunished.

The legislature of the proposed State is shorn of its power to raise the grade of the crime to that of felony, or to annex any disqualification on conviction, while it is left free to promote polygamy by providing through inheritance and by means of the wills for the maintenance of polygamous households, and to deny the legal wife the right of dower, or other rights, as heretofore.

The provisions for amendments to the proposed constitution only by the consent of Congress, and for pardon of convicted polygamists only by approval of the President, are incongruous and futile and need not be considered. It is sufficient to say they are open to the criticism that if a community can not be trusted to amend a constitution it can hardly be said to be fit to be trusted with the powers of a State under any form of constitution. And if it can not be trusted to deal with those who have violated its laws, it should not have the control of the administration of the laws.

If Utah should be admitted into the Union as a State, the following results would follow, viz: There would be an immediate cessation of all further prosecutions for polygamy and unlawful cohabitation under laws of Congress. No prosecution for polygamy would ever take place in the State until the ruling power in the State chose to do what they now arraign the Government for—"Persecute" for a crime which is "an essential part of their religion." This claim has been set forth in a formal way, which has made it a solemn declaration of the whole Mormon population of Utah. At a general conference held at Logan April 6, 1885, a resolution was adopted and a committee appointed to draft a protest and address to the President and people of the United States. Such address was adopted at a mass-meeting held May 2, 1885, at which the Hon. John T. Caine, Delegate from the Territory, presided, and who was deputed as the agent to present the same. In that document is formally proclaimed:

> As to religious faith, it is based upon evidence which to our minds is conclusive; convictions not to be destroyed by legislative enactments or judicial decisions; force may enslave the body, but it can not convince the mind. To yield at the demand of the legislator or judge the rights of conscience would prove us recreant to every duty we owe to God and man. Among the principles of our religion is that of immediate revelation from God; one of the doctrines so revealed is celestial or plural marriage, for which ostensibly we are stigmatized and hated. This is a vital part of our religion, the decision of courts to the contrary notwithstanding.

It is a circumstance worthy of mention that Mr. Caine, who bore so prominent a part in the adoption and promulgation of the address from which the above extract is made, was also the president of the convention which adopted the proposed State constitution.

Under the proposed constitution no disqualification would follow the commission of those crimes; the right of voting would be fully accorded to the ruling class now disfranchised. No prosecution would ever take place for continuing that crime by living in unlawful cohabitation and

multiplying its fruits to the degradation of posterity. The right of dower created by Congress would be swept away; the Utah policy has ever been to deny that right to the legal wife, and make her rights depend upon the testamentary disposition of her husband. The rights of the minority population would be left to the mercy of a majority who regard them as intruders and who have always used political power in a clannish spirit. In illustration of their spirit in such matters a statement of their course in the election of officers for the Deseret University and Territorial Insane Asylum will suffice. The university was incorporated when the Territory was first organized, and although some fifteen officers, chancellor and regents, are elected biennially to manage this educational institution, which receives support from the Territorial treasury, not one representative of the minority has ever been elected. For the insane asylum, built by an appropriation from the Territorial treasury, a certain number of directors are elected biennially, but the minority have never been accorded a representative, a privilege and a right which is recognized in every other Territory or State. Further, in Salt Lake City, where the minority have a majority in two of the five organized precincts, they are denied any representation in the city councils, by reason of an election law which requires all the city officers to be elected on a common ticket.

The Mormon people cannot be called hypocrites. They boldly proclaim their religious belief to all the world. Until that belief shall be changed, if they be true to their creed, polygamy with its kindred evils will be fostered by every means in their power. The leaders of the church will probably do in the future what they have done in the past. They do not recognize the authority of the Government to call upon them for any support in its contest with polygamy, but they do recognize the divine command to encourage polygamy. The attitude, purpose, and determination of the church in this respect has been fully developed. In the case of W. W. Taylor, son of John Taylor, who died a few years ago, it was acknowledged after his death that he was a polygamist and yet he held a responsible office under the city government of Salt Lake City up to the time of his death. Another case was that of Joseph H. Dean. He was elected and served as a member of the city council of Salt Lake. While in office it was learned that he was, and had been a polygamist for over three years. The leaders of the church had full knowledge of the fact that these men were disqualified from holding office under the Federal law, yet they acquiesced in their unlawful occupancy of public offices. We have learned of similar cases in the more remote counties. The non-polygamist Mormons were also aware that the men referred to were polygamists, and their course has been in harmony with that of their leaders, as it will probably always be. During the period in which the Government has been actively engaged in prosecuting offenders, they have unitedly refused to extend any aid, but have denounced the prosecutions as persecution.

For these reasons the Commission has been led to fear that the provision in the proposed constitution making polygamy a misdemeanor was not adopted, nor the action taken with any purpose to suppress polygamy; that it does not indicate an abandonment by the people of Utah in the manner which is demanded by the will of the American people, as expressed in their national law; that the late movement for statehood was the offspring of necessity, inspired with the hope of escaping from the toils which the firm attitude of the Government and the energetic course of the Federal officers had wound around them. Realizing that they could expect no aid nor comfort from the national

administration, and actuated by a determination not to recognize the supremacy of national laws where they forbid crimes licensed by their creed, it is not surprising that the majority in Utah should resort to some expedient to get relief from their dilemma. In the light of these facts it is evident that the relief sought for is expected in statehood, and that this expedient is, in the case of Utah, inspired by more than the usual motives operating in other communities, which are composed of homogeneous American population in accord with the laws and institutions of the country.

The presentation of the proposed application for statehood will demand the consideration of the question by Congress whether the course of the dominant majority in Utah, in the use of delegated powers in a Territorial condition, has been such as to induce Congress to withdraw certain of these powers until the perpetuated evils should be corrected (which has not been done).

If Utah, as a Territory, has refused to recognize the force and validity of national laws, and decisions of the supreme court, can it be reasonably expected as a State it will do so? Can it be reasonably expected that crimes and evils which the Government has failed to suppress with its supervision over a Territorial government will be suppressed in a State ruled by the majority which now maintains and propagates these crimes and evils as "an essential part of their religion?"

It is submitted if it would not be wise to continue a Territorial government in which the National Government could continue to deal directly with these evils until they should be eradicated, even if it should be necessary, as suggested in former reports (1884–'85), to take all political power from those who have not sufficient allegiance to recognize the validity of national laws and the decisions of courts, and that no harmony in the Union could be maintained with a State ruled by a creed which claims all governments but its own to be illegal, and claims a "separate political destiny and ultimate temporal dominion by divine right."

The Commission is of the opinion that Utah should not be admitted to the Union until such time as the Mormon people shall manifest by their future acts that they have abandoned polygamy in good faith, and not then until an amendment shall have been made to the Constitution of the United States prohibiting the practice of polygamy.

We append to this report resolutions adopted by the Presbyterian and Methodist Churches of Utah.

POLYGAMOUS MARRIAGES.

The names of sixty-seven men have been reported to the Commission who have entered into polygamy during the year ending June, 1887. This information has been requested of all registrars. The number given has been reported by non-Mormons, there being no instance in which has a name been reported by a Mormon registrar. The law imposes upon the Commission the duty of appointing proper persons to perform the important duty of registering voters, and it has been the uniform policy of the Commission in filling these offices to select men, whenever they could be found, who were in open and avowed sympathy with the law under which they were acting. The necessity for this is apparent. The registration officers are charged with the duty of excluding from the lists of voters at the annual registration in May and June, and the biennial registrations in September, the names of such

persons as have entered into polygamy. Under the Utah law the registry list continues from year to year, only a revision is made by the registrar; therefore, unless he is disposed to give full force and effect to the provision of the law which disfranchises polygamists, this vital principal of the law may be utterly disregarded.

LEGISLATIVE APPORTIONMENT.

Under the act of March 3, 1887, the governor, Utah Commission, and the secretary of the Territory were appointed a board to reapportion the Territory for legislative representation. The board met and organized, and, after careful consideration, reapportioned the Territory into twenty-four representative and twelve council districts, and under which the present legislative assembly was elected.

RECOMMENDATIONS.

The Commission was first organized in the summer of 1882. Its first duty was to adjust the local laws to the act of Congress, and to provide the necessary rules and regulations for conducting the registration and the elections. Under its supervision a new registration was made in 1882 and again in 1887, under the Edmunds-Tucker act.

Annual revisions were also made in 1883, 1884, 1885, and 1886. No person living in the practice of polygamy was allowed to register or to vote, and we believe that in this respect the purpose of the law has been thoroughly and effectually accomplished. The total registration in 1882 was 33,266; in 1883, 37,062; in 1884, 41,858; in 1885, 43,646; in 1886, 45,375. The registration of 1887, under the operation of the test oath, was 20,790. The elimination of the female vote will largely account for the difference, and there was a considerable percentage of voters who refused to take the oath prescribed by the act. Of these the larger proportion were probably non-Mormons.

The Commission in its previous reports, made since 1882, has made the following recommendations, which, in its opinion, were needed to give force and effect to the provisions of the law under which it was created:

1. The enactment of a marriage law.
2. Making the first, or legal, wife a competent witness in prosecutions for polygamy.
3. Restoring to the first or legal wife the right of dower as at common law, or other interest in the real estate, as provided in the statutes of many of the States.
4. That provision be made for a fund, to be furnished by the Department of Justice to the proper legal authorities in the Territory.
5. The conferring upon the United States commissioners concurrent jurisdiction with the justices of the peace in civil and criminal matters.
6. The appointment of the Territorial auditor, treasurer, commissioners to locate university lands, of the probate judges, county clerks, county selectmen, county assessors and collectors, and county superintendents of district schools, by the governor of the Territory, subject to confirmation by the Commission.
7. Authorizing the selection of jurors by open venire, especially in cases prosecuted by the United States.
8. Giving to the district courts jurisdiction of all cases of polygamy wherever in the Territory the crime may have been committed.

9. That the Territorial courts in United States cases be invested with a power coextensive with that possessed by the United States circuit and district courts in the States, in the matter of contempt and the punishment thereof.

10. That prosecutions for polygamy be exempted from the operation of the general limitation laws.

11. Authorizing the process of subpœna in all cases prosecuted by the United States, to run from the Territorial courts into any other district of the United States.

12. That provision be made for binding over witnesses on the part of the Government in all United States cases to appear and testify at the trial.

13. That when a continuance is granted upon motion of the defendant, provision should be made for taking deposition of witnesses on the part of the Government, the defendant to be confronted with the witness and to cross-examine. The deposition to be used in case of death, absence from the Territory, or of the concealment of witness so as to elude process of subpœna.

14. That it be made a penal offense for any woman to enter into the marriage relation with a man knowing him to have a wife living and undivorced. This should be coupled with a provision that in cases where the polygamous wife is called as a witness in any prosecution for polygamy against her husband, her testimony could not be used in any future prosecution against her, with a like provision as to the husband.

15. That the term of imprisonment for unlawful cohabitation fixed by section 2 of the act of 1882 be extended to at least two years for the first and three years for the second offense.

16. That all persons be excluded by law from making a location or settlement upon any part of the lands of the United States who shall refuse on demand to take and subscribe an oath, before the proper officer of the land office in which his or her application is made, that he (if a man) does not cohabit with more than one woman in the marriage relation, and that he will obey and support the laws of the United States in relation to bigamy and polygamy, or (if a woman) that she does not cohabit with a man having more than one living and undivorced wife, and that she will obey and support the laws of theUnited States in relation to bigamy and polygamy.

17. That the laws with reference to the immigration of Chinese and the importation of contract laborers, paupers, and criminals be so amended as to prevent the immigration of persons claiming that their religion teaches and justifies the crime of polygamy, as this would cut off the chief source of supply to the Mormon church.

18. A suggestion in favor of a constitutional amendment prohibiting polygamy.

Of these recommendations the 1, 2, 3, 5, and 12 have received the approval of Congress and are now part of the statute law.

We again respectfully recommend to the attention of Congress all of the above recommendations which have not yet received its approval.

The Commission recommends as a measure of great importance the passage of a law conferring upon the governor of the Territory the authority to appoint the following county officers: Selectmen, clerks, assessors, recorders, and superintendents of district schools. This will place the control of county affairs, including the assessment of property (but not the collection of revenue) and the supervision of the public schools, in the hands of persons in sympathy with the efforts of the Government to extirpate polygamy. It will also strengthen the ele-

ment in the different counties which is disposed to assist the Federal officers in their efforts to enforce and execute the laws. We also recommend the passage of an act creating a board, to consist of the governor, Utah Commission, and Territorial secretary, to apportion Salt Lake City into aldermanic and council districts. Under the present law these officers are elected on a common ticket, thus denying the principle of precinct or ward representation which obtains in other towns and cities.

The non-Mormon citizens of the Territory, acting through their political organizations, Democratic, Republican, and Liberal, have repeatedly given expression to the opinion that the solution of the Mormon problem will be speedily and effectually accomplished by creating a legislative commission, to be appointed by the President and to be confirmed by the Senate. In support of their position they urge the following reasons: That a republican form of government has no existence in Utah, the church being supreme over all; that until the political power of the Mormon church is destroyed, the majority will not yield a full obedience to the laws, and only by providing a new code of laws can they be compelled to do so; that common prudence suggests there should be no delay in taking from the Mormon church the power to control in political matters; that this object can best be accomplished by providing an agency which is in accord with the purposes and will of the National Government; that the legislative assembly of the Territory has always been the creature of the church, and during its thirty-six years of existence has made a record which is impressive by its silence with respect to the passage of such laws as the Government had the right to expect; that such an agency would relieve Congress from the consideration of the affairs of Utah; that Congress having the right to legislate directly for the Territories, which right has been affirmed by the Supreme Court, ought to, in consideration of the extraordinary condition of affairs in the Territory, follow the precedents established in the case of Louisiana and of Florida, and grant a commission; that such action will result in bringing Utah into harmony with the other States and Territories of the Union.

In conclusion we respectfully submit that in our opinion the results which have followed from the passage of the Edmunds act have been very beneficial to the Territory. It has provided a fair, honest, and orderly system of elections, and it is universally conceded by Mormon and non-Mormon that there has been no charge nor even rumor of fraud in connection with the registration of voters and the conduct of elections since the Commission first commenced its work.

Very respectfully,

G. L. GODFREY.
A. B. WILLIAMS.
ARTHUR L. THOMAS.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

SAINT LOUIS, MO., *September* 30, 1887.

Commissioners Carlton and McClernand, dissenting to many of the views set forth above, do not sign this report.

APPENDIX.

Resolutions adopted at the general Conference of the Methodist Church of Utah, held at Mount Pleasant, Utah, August 8, 1887.

STATE OF AFFAIRS IN UTAH.

Each year develops new features in this field, which call for intense watchfulness on the part of all who are loyal to the nation and its laws, and to the advancement of our Christian civilization in this Territory, and which demand the outspoken sentiments and efforts of all Christian organizations in meeting the spirit of antichrist reigning here.

We therefore take as the keynote of our work the words of the psalmist, "They that love the Lord hate evil."

We declare in favor of a rigorous enforcement of the laws, and the prosecution of all offenders as necessary to the eradication of the evils dominant here.

We enter our unqualified protest against the efforts now being made by the Mormons to secure statehood for Utah, believing the proposed constitution to be a well devised instrument to blind the people of this nation to the real object in view, viz: The perpetuation of the evil itself.

This constitution was framed by a convention of delegates appointed by mass meetings composed exclusively of Mormons. All the delegates were Mormons, and their action was entirely without the sanction or co operation of the non-Mormon part of our population, and therefore was not in harmony with our republican ideals of representative action.

It being true that the Mormon community still hold to the divinity of polygamy, and also still claim that all laws enacted by Congress for its suppression are unconstitutional; we, therefore, insist that the action to secure statehood is inconsistent, and should be met by a strong and united opposition of the people of the United States through their representatives in the national Congress. We urge upon our churches in the east to raise their voices against this new feature of Mormon duplicity.

Appeal to Presbyterian Church, from the Presbytery of Utah, in session at Manti, August 28, 1887.

Affairs have reached a crisis in Utah. After years of defiance and determined evasion of the laws, a very plausible policy has been adopted by the Mormon leaders. A constitutional convention has been called, a constitution has been framed and submitted to the Mormon people and adopted by them. In this constitution is a clause making polygamy a crime, to be punished by fine and imprisonment.

This is the pretext by which they hope to deceive Congress, and to gain admission as a State. Professing to give up this objectionable feature of their religion, viz: polygamy, they now ask for statehood.

We call attention to the following facts, which will fully indicate the purpose of such action:

(1) The so-called revelation on polygamy stands yet unrepealed by any authority from the church; it is therefore as binding as ever upon the whole Mormon people.

(2) Up to the very meeting of this constitutional convention, men brought before the courts refused to obey the laws against polygamy, and are yet being arrested for the same crime, and yet refusing to obey.

(3) Up to the present day any Mormon who promises to obey the laws against polygamy is considered a traitor to his religion, and is treated as such.

(4) This movement for statehood is altogether a Mormon movement. The Gentiles have taken no part in it, and are now a unit against it.

(5) The Mormon people are as firm believers in polygamy to-day as they ever have been, and they have no disposition to give it up; but, through a strange policy recently adopted, they have made the sacred tenet of their religion a crime, whilst yet believing in its divine origin.

In view of these facts we, in common with other loyal citizens of Utah, do most earnestly protest against this whole movement, for the following reasons:

(1) Because there is no sincerity in it. It is a fact well known to us who are here, and admitted to be such by many Mormons, that the real intention is not to abolish polygamy, but to obtain statehood, get entire control of affairs in Utah, and thus defeat the execution of the laws; for with Mormon judges, officers, and jurors no law against polygamy would be enforced. Hence, this constitutional clause against polygamy is only a blind.

(2) Because it would leave the power of the priesthood untouched. The twenty-five thousand men to whom absolute obedience is pledged on the part of the people would only be intrenched in their present stronghold.

(3) Because it would be a death-blow aimed at our American homes; it would check our Christian work, and give up forever this entire Territory to Mormon rule and policy.

(4) Because the whole scheme means treason against the Government and its laws.

We therefore call upon ministers and members of the Presbyterian church, North and South, to raise their voices in protest against this religio-political chicanery.

MINORITY REPORT.

SAINT LOUIS, MO., *September* 29, 1887.

SIR: Concurring in part in the majority report of our associates, but dissenting from it in other part, particularly as regards its general animus and tone and the propriety of introducing a theological discussion into a secular document, we deem it advisable, in order to a clear and distinct expression of our views, to submit this, our separate report.

Omitting the details of the Commission's mode of procedure, which have been heretofore set forth, we proceed at once to such matters as are more interesting to the Government and the public.

At the election held on the 3d of November last for Delegate to the Fiftieth Congress, John T. Caine (Mormon) was elected by the following vote: Caine, 19,605; William M. Ferry, 2,810; William H. Dixon, 34; scattering, 34; total, 22,483. At this election the women voted under the Territorial law, which has since been repealed by Congress (March 3, 1887).

Early in February of the present year the Commission reassembled in Salt Lake City and prepared for certain municipal elections to be held in the spring.

The supplemental act of March 3, 1887, materially changed the law as to the qualifications of voters and office-holders; and the Commission in pursuance of our former usage in like cases issued a "circular for the information of registration officers," which was transmitted to them throughout the Territory, the qualifications of voters being thus set forth:

(1) No polygamist, bigamist, or any person cohabiting with more than one woman shall be entitled to register or vote at any election in this Territory; nor any person who has been convicted or the crime of incest, unlawful cohabitation, adultery, fornication, bigamy, or polygamy; nor any person who associates or cohabits polygamously with persons of the other sex; nor can any person register or vote who has not taken and subscribed the oath prescribed by the twenty-fourth section of the act of Congress of March 3, 1887; nor can any woman register or vote.

The Commission is of the opinion that the above specifications include all the disabilities to which electors are subject under the laws of Congress, and that no opinions which they may entertain upon questions of religious or church polity should be the subject of inquiry or exclusion of any elector.

The oath proposed as a condition for the registration of voters, following the language of the act of Congress as closely as possible, was formulated as follows:

TERRITORY OF UTAH,
County of ——:

I, ——, being duly sworn [or affirmed], depose and say that I am over twenty-one years of age; that I have resided in the Territory of Utah for six months last passed, and in this precinct for one month immediately preceding the date hereof; and that I am a native-born [or naturalized, as the case may be] citizen of the United States; that my full name is ———; that I am —— years of age; that my place of business

is ——; that I am a [single or] married man; that the name of my lawful wife is ——; and that I will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "*An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes,*" and that I will also obey the act of Congress of March 3, 1887, entitled: "*An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes,' approved March 22nd, 1882,*" in respect of the crimes in said act defined and forbidden, and that I will not, directly or indirectly, aid or abet, counsel or advise any other person to commit any of said crimes defined by acts of Congress, as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication.

Although the person applying to have his name registered as a voter may have made the foregoing oath, yet if the registrar shall, for reasonable or probable cause, believe that the applicant is then, in fact, a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabiting polygamously with persons of the other sex, or has been convicted of bigamy, polygamy, unlawful cohabitation, incest, adultery, or fornication, in our opinion, the registrar may require the applicant to make the following additional affidavit:

TERRITORY OF UTAH,
County of ——:

I ——, further swear [or affirm] that I am not a bigamist, polygamist, or living in unlawful cohabitation, or associating or cohabitating polygamously with persons of the other sex; and that I have not been convicted of the crime of bigamy, polygamy, unlawful cohabitation, incest, adultery, or fornication.

Soon after the passage of the act of March 3 it was a common belief among the Gentiles that the Mormons, generally, would not take the oath; but it soon became apparent that there was a general disposition among them to take it. Thereupon the Commission was waited on by a committee representing the "Liberals" or "Gentiles," requesting a modification of the oath by interpolating certain expletives and amplifications. The Commission unanimously declined to accede to this request, for the reasons assigned in a written communication. (See Appendix, I.)

Quite a number of the Mormons, as well as the non-Mormons, declined to take the oath; the latter, as we were officially informed, objecting to the clause concerning adultery and fornication.

The general result of the election of August 1 may be stated as follows: Of the 36 members of the legislative assembly, the Mormons elected 31 and the Gentiles 5. Of the Territorial, county, and precinct officers, a large majority of those elected are Mormons, none of whom, however, are living in polygamy.

In former official reports the Commission several times expressed the opinion that the laws of Congress, in connection with other influences, were "setting strongly in the direction of reform" in Utah; and that at no distant day "this relic of Asiatic barbarism (polygamy) would be swept from the land." We have predicted from the beginning that the legal discrimination in favor of the monogamous Mormons against the polygamists would sooner or later be attended with good results. Early in the present year we thought we discerned a disposition among the Mormons to give up the practice of polygamy; and we wish to add that we have used our official and personal influence to induce the Mormons to take such a step.

Early in June of the present year we were gratified to learn that a general movement for the abrogation of polygamy was taking an organized form. The central committee of the "People's (Mormon) party" published a call in the newspapers for mass meetings of the legal voters to be held in all the counties of the Territory, to select delegates to a convention to be held in Salt Lake City, June 30, 1887, for the purpose of adopting a State constitution, and inviting all parties in the

Territory to participate in those meetings. The other political parties in the Territory declined to participate in the movement.

The convention, with delegates from all or nearly all the counties in the Territory, met at the time and place designated and remained in session over a week. During their session the Commission received a communication from them requesting us to take charge of the election for the adoption or rejection of the proposed constitution by the legal voters, at the general election to be held August 1.

The Commission responded by disclaiming any express legal authority to take any official action in the premises, "but considering the fact as represented, that said proposed constitution would contain a prohibition of the institution and practice of polygamy, as well as a prohibition of the union of church and state—the suppression of polygamy being contemplated by the acts of Congress under which the Commission is acting," we expressed a willingness "to recommend to the judges of election that they might receive all the ballots which should be cast by the qualified voters on said proposition, and deposit the same in separate boxes to be provided by the convention; and to canvass and make return of the same to such authority as the convention should provide."

This recommendation was printed in the form of a resolution and sent by the Commission to the judges of election throughout the Territory, prefaced with the following preamble:

Whereas the prohibition of polygamy is the paramount object of the special legislation of Congress as applicable to Utah, we are of the opinion that when the great body of the legal voters of the Territory manifest a disposition to place themselves on record against polygamy, in howsoever an informal manner, they ought to be encouraged therein, the object of the Government being not to destroy but to reform the Mormon people.

The convention concluded not to furnish the separate ballot-boxes, but to rely on the judges of election, or some of them, to count the votes and make return of the election on the adoption or rejection of the proposed constitution. This was done in nearly all the voting precincts, and the result was:

	Votes.
For the constitution	13,195
Against the constitution	504

But few of the Gentiles voted on this proposition, and of the 504 negative votes probably about one-half were cast by Mormons. The total vote for members of the legislative assembly was about 16,500, of which the Gentiles cast about 3,500; so it appears that about 95 per cent. of the Mormon voters cast their ballots for the constitution.

In this connection we wish to state that, in such action as the Commission has taken in regard to the vote on this question, we expressly disclaim any purpose of interfering in the question of statehood for Utah. But certainly, whether that Territory shall be admitted early, late, or never, a strong advanced position is gained when the great mass of the people are induced, either in a regular or informal and unusual manner, to place themselves on record in opposition to polygamy.

The provisions of the proposed constitution of the "State of Utah" upon the question under consideration are the following:

SECTION 3 (of Article I). There shall be no union of church and state, nor shall any church dominate the state.

SEC. 12 (of Art. XV). Bigamy and polygamy being considered incompatible with a "republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than one thousand dollars and imprisonment for a term of not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

ART. XVI.—*Amendments.*

SECTION 1. Any amendment or amendments to this constitution, if agreed to by a majority of all the members elected to each of the two houses of the legislature, shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be elected, and shall be published for three months next preceding the time of such election, and if, in the legislature next elected as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the legislature shall prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of the constitution: *Provided*, That section 12 of Article XV shall not be amended, revised, or in any way changed, until any amendment, revision, or change as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual.

Many of the Gentiles in Utah claim that this anti-polygamy movement among the Mormons is "all a sham." But we do not think so. After careful and impartial investigation and consideration, our conclusion is that, whatever may be their motives, and whether they are influenced by choice or necessity, the generality of the monogamous Mormons (who are more than three-fourths of the Mormon population) have deliberately and wisely resolved that their highest earthly interests, the prosperity and happiness of themselves and their posterity, and the avoidance of the odium which attaches to them throughout the civilized world, demand that polygamy shall be abolished.

The Mormons have been led to believe that if the practice of polygamy shall actually and in good faith be abolished, Congress will no further pursue them with hostile legislation, and that their religious faith will not be the subject of legal animadversion or discrimination. If the premises are granted (namely, the bona fide abrogation of polygamy), their conclusion is impregnable upon well settled principles and precedents.

The Supreme Court of the United States has declared that—

Laws are made for the government of *actions*, and while they cannot interfere with mere *religious belief*, they may with *practices*. * * * Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation. Religious freedom is guaranteed everywhere throughout the United States so far as Congressional interference is concerned. (8 Otto, 145.)

Madison says, sententiously: "Religion, or the duty which we owe the Creator, is not within the province of civil government."

Jefferson says:

Believing that religion is a matter which lies solely between man and his God, and that he owes account to none other for his faith or his worship, that the legislative powers of the Government reach *actions* only and not *opinions*, I contemplate with solemn reverence that act of the whole American people which declares that their legislature should make no law respecting an establishment of religion or prohibiting the free exercise thereof. (8 Jefferson's Works, 113.)

Upon the passage of the act of March 3, 1887, similar views were expressed by distinguished Senators from Vermont and Kansas.

Acting upon these fundamental canons, and in accordance with the acts of Congress, the Commission has from time to time, in official reports and otherwise, assured the Mormon people that the Government of the United States had no design to coerce them concerning their church membership or their religious opinions, and that all that was required, and all that could rightfully be required, was that they should come within the laws and abandon the practice of polygamy. For example, in the Commission's first annual report, of November 17, 1882, it said: "The legislation of Congress, as we understand it, is not enacted against the religion of any portion of the people of this Territory. The law under which we are acting is directed against the *crime of polygamy*."

In its report of October 30, 1883, it said that "by abstaining from the polygamic relation they [the Mormons] will enjoy all the political rights of American citizens."

In its last annual report (September 24, 1886) the following language was employed: "We recognize the obligation of the Government of the United States to protect the personal and property rights of the Mormon people and to deal with them as equals before the law, yet it is equally the duty of the Government to punish crime."

In its "circular for the information of registration officers," issued in March, 1887, after enumerating all the disqualifications of voters under the law, it added: "That no *opinions* which they (the Mormons) may entertain upon questions of religion or church polity should be the subject of inquiry or exclusion from the polls," and the Edmunds act of 1882 declares that no person shall be excluded from the polls on account of any opinion he may entertain on the subject of polygamy or bigamy if he is otherwise eligible to vote.

Having received information that some of the registration officers were disregarding the principle thus settled and repeatedly announced, they were promptly removed from office by the unanimous vote of all the members of the Commission.

After such assurances have been held out to the Mormon people by the Supreme Court of the United States, by those eminent statesmen who championed the anti-polygamy legislation in Congress, and by the Commission, representing no party or faction, but the Government of the United States; now, while the great mass of the Mormon people are making an effort for the abandonment of the practice of polygamy, we are asked to recommend further legislation of a hostile and aggressive character, almost, if not entirely, destructive of local self-government, thereby inflicting punishment on the innocent as well as the guilty. Our answer is, we cannot do so; we decline to advise Congress to inflict punishment by disfranchising any portion of the people of Utah on account of their religious or irreligious opinions.

In Utah there are persons of multifarious religious creeds, some with no religious belief at all. Some prominent and enterprising citizens believe in the revelations of the *Old* Testament and reject those recorded in the *New*, while a large majority of the people of the Territory profess a belief in the Old Testament, the New Testament, and divers modern "revelations" besides. Those who accept the revelations of the Bible are divided into many separate church organizations by reason of diverse interpretations. Then, in the close of the most enlightened century in the tide of time, shall we invoke legal coercion over the consciences of men and resort to the pains and penalties inflicted in former times for recusancy, non-conformity, and heresy?

In this age the world moves, and even religious fanatics must keep pace with progress. The Utah of to-day is not, and never can be again,

what it was when Brigham Young, as prophet, seer, and revelator, dominated over his devoted followers, isolated from all the world, in the secluded valleys of the Rocky mountains; nor, in our opinion, can that fading and dissolving specter of the past be justly or properly invoked as an excitative to legislation proscriptive of religious opinion. The railroad and the telegraph, free speech and a free press, are there now. Schools and colleges and churches of many denominations are found in all parts of the Territory. The people are no longer isolated, but are now in communication with all the world; and Salt Lake City is one of the most cosmopolitan places on the continent, a resort for tourists, savants, statesmen, and scholars from abroad. Under such circumstances is it not morally impossible that Utah shall ever again become subject to that church domination and oppression which are now imputed by some persons as an existing reality against the "Mormon hierarchy"?

Churches and creeds are subject to the laws of evolution, and Mormonism must yield to the inexorable logic of civilization. Polygamy must go, and its abrogation will, sooner or later, be an accomplished fact. Other objectionable features are gradually giving way; and we are thoroughly satisfied that whatever the Federal authorities can rightfully accomplish in the way of reform can be done without resorting to the total overthrow of local self government.

Polygamous marriages in Utah are becoming less frequent, as will hereinafter be shown. No polygamist votes, holds office, or sits on a jury. The mass of the Mormons have taken the test oath and voted against polygamy. The conclusion is that the present laws of Congress are working successfully; that there is no necessity of resorting to un-American plans of government; and that if, as we apprehend, the object of the Government is to reform and not to destroy the Mormon people, they should be encouraged and not spurned in their efforts for the abrogation of polygamy and for reform.

During the last two years and a half there has been no relaxation in the enforcement of the laws for the suppression of polygamy. During that period there have been about three hundred convictions to the penitentiary for offenses against those laws, which, notwithstanding the signs of reform, should continue to be enforced against all persons violating them; no step backward should be tolerated; at the same time the innocent should be scrupulously protected.

In a larger view polygamy is adjudged by the most enlightened nations to be a manifold evil. It is the parent of caprice, cruelty, and license. It enervates the male and degrades the female. Socially, politically, and physically it is corrupting and deteriorating. Despotic in the family, it is the prototype of despotism in the government. It largely accounts for the differing characteristic of the Asiatic and European; for the indolence and feebleness of the one, and the energy and enterprise of the other. Inferiority is its badge. In the armed contests of rival civilizations, alike in ancient Greece and modern India, it succumbed to the superiority of monogamy. It is at variance with the divine economy in that originally God created but one man and one woman, Adam and Eve, each as the only partner in wedlock of the other. Logically, and as a consequence, it is irreconcilable to the idea of the marriage covenant as practiced and revered by the masterful Teuton, Celt, and Anglo-Saxon. That covenant runs in these comprehensive and searching words:

Wilt thou have this woman to be thy wedded wife, to live together after God's ordinance in the holy estate of matrimony? Wilt thou love her, comfort her, honor her, and keep her in sickness and in health; and forsaking all other, keep thee unto her so long as ye both shall live?

Recognizing polygamy to be an evil and a bane, Congress has, from time to time, enacted laws to eradicate it from Utah. One of them, known as the "Edmunds law," approved March 22, 1882, re-enacted and extended the provisions of those of earlier date. It declares polygamy a crime, defines the same, and punishes its commission by a fine not exceeding $500, and imprisonment not exceeding five years; declares cohabitation by the man with more than one woman a misdemeanor, punishable by fine of not more than $300, or by imprisonment for not more than six months, or by both, in the discretion of the court, and allows a joinder of counts for polygamy and unlawful cohabitation in the same information or indictment;

Disqualifies any person from serving as a juror in any prosecution for polygamy or unlawful cohabitation who is, or has been, living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or who believes it right for a man to have more than one living and undivorced wife at the same time, or who believes it right to live in the practice of cohabitation with more than one woman, upon his being challenged for any such cause;

Authorizes the President to grant absolute or limited or conditional amnesty to offenders against any such previously enacted laws;

Legitimates the issue of polygamous marriages, solemnized according to the ceremonies of the Mormon sect, who were born before the 1st day of January, 1883;

Disqualifies any polygamist, or other person cohabiting with more than one woman, from voting at any election, or for election or appointment to any office or place of trust, honor or emolument.

The last law on this subject, known as the "Edmunds-Tucker act," which took effect on the 3d day of March, 1887, is supplemental to the act of 1882, and is more comprehensive in its scope. It makes the lawful husband or wife (if consenting to testify) a competent witness in any examination, inquest, or prosecution touching the other, under a statute of the United States forbidding any of the above-named offenses, except as to communications between each other deemed confidential at common law;

Waives the original process of subpœna and authorizes an attachment for witnesses in any such criminal proceeding, upon cause shown by oath or affirmation;

Prescribes the rule determining the degrees of consanguinity, denounces incest, adultery, and fornication, and prescribes the punishment therefor;

Vests the commissioners who are or may be appointed by the supreme or district courts in the Territory with the same powers and jurisdiction of justices of the peace in the Territory under the laws thereof; it also confers on such commissioners the same powers conferred by law on commissioners appointed by circuit courts of the United States;

Requires every ceremony of marriage performed in the Territory to be signed by the parties thereto, and by every officer, priest, or other person taking part therein; and that the same when thus authenticated shall be filed in the office of the probate court of the proper county for record, and that the record thereof shall remain subject to inspection, and enforces the requirement by inflicting fine or imprisonment, or both, upon any willful violation thereof;

Incapacitates every illegitimate child in the Territory to take or receive by inheritance the estate or any part of the estate of his or her father, save such of them as shall have been born within twelve months after the passage of the act, or are legitimated by the act of 1882;

Dissolves the corporations known respectively as the "Perpetual Emigration Fund Company" and "the Church of Jesus Christ of Latter-Day Saints," makes their renewal unlawful, and forfeits and escheats their property to the United States, subject to certain limitations and exceptions;

Regulates the right of dower; makes the judges of the probate courts appointable by the President, by and with the advice and consent of the Senate; abolishes female suffrage; requires the governor and secretary of the Territory, together with the Utah Commission, to redistrict the same, and to apportion the representation in the legislative assembly according to the numbers of the people in the Territory (exclusive of untaxed Indians and other non-citizens), and the number of the members of the present legislative assembly, respectively;

Continues the powers and duties of the Utah Commission until the same shall be superseded by the legislative assembly of Utah and the subsequent approval of Congress;

Limits the right of suffrage to male persons, who, as a precedent condition to the exercise thereof, shall have registered their names as voters, and subscribed an oath or affirmation that he is over twenty-one years of age, has resided in the Territory six months, and in the precinct of his residence one month; including in such oath or affirmation a statement, according to the fact, that he is a native-born or naturalized citizen of the United States; and of his age, with his place of business, his status, whether single or married, and, if married, the name of his lawful wife; that he will support the Constitution of the United States and faithfully obey the laws thereof, especially the act of 1882, and this act in respect of the crimes in the same defined and forbidden, and will not directly or indirectly aid or abet, counsel or advise any other person to commit any of said crimes;

More. It renders every person ineligible to serve as an officer or a juror in the Territory who has not taken the oath therein set forth, similar in form, and absolutely disqualifies every person for such service, as also to vote in any election therein, who has been convicted of any crime in either of the acts mentioned, or who shall be a polygamist or in association or cohabitation polygamously with a person of the other sex;

Moreover, the act suspends the laws of the Territory providing for the method of electing and appointing the Territorial superintendent of district schools; abolishes that office, and devolves its powers and duties upon another officer, to be appointed by the supreme court of the Territory; restricts the quantity and mode of the tenure of the land which may be held by religious bodies, and annuls all local laws on that subject; provides that the militia of Utah shall be organized and subject in all respects to the laws of the United States regulating the militia in the Territories, and that the general officers of the militia shall be appointed by the governor of the Territory by and with the advice and consent of the council thereof.

The vigorous enforcement of these laws has resulted in a sense of disquietude and insecurity in the mass of the Mormon population, and, as we have before said, the indications of an important change are apparent. The truth of this statement is corroborated by the answers of the chief justice of the Territory and others, set forth in the appendix, numbered II, III, and IV, respectively, which are cited for what they express apart from any inference respecting further legislation.

It is admitted, however, that these answers designate no definite or approximate period when polygamy in Utah may be expected to cease; indeed it is deemed impracticable to do so. For ourselves we may re-

peat, that the practice of polygamy appears to be declining and in the course of ultimate abandonment, and that our observation leads us to believe that the present intention of the ascendent numbers of the monogamous Mormons is to compass and hasten that end.

The questions remaining relate to the admission of Utah as a State, and the consequent surrender of the power of Congress over the subject of polygamy under the existing Constitution of the United States. With respect to the first question, we have only to say that it appeals solely and properly to the sound discretion of Congress, where we are content to leave it without further remark.

As to the second question, it evidently now engages earnest public attention and divides opinion. Considering these facts, and the importance of continuing the power of Congress over the subject of polygamy and of relieving the power from any question, we venture respectfully to recommend the adoption of an amendment to the Constitution of the United States, prohibiting the institution or practice of polygamy in any form in the States and in the Territories or other places over which the United States have exclusive jurisdiction, supplemented with appropriate power of legislation to carry it into full effect. This recommendation is in accordance with propositions which have already been submitted, respectively, in the Senate and House of Representatives, of which that in the House was supported by an able and elaborate report from its Judiciary Committee.

Such an amendment would put an end to special and provisional legislation upon a disturbing question, which legislation, under the present Constitution, must cease to operate with the cessation of the territorial status. It would raise an implied and incidental power, primarily drawn from the power of Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," to the dignity of an express power embedded in that instrument itself.

Other considerations favor it. It would insure us a solemn and deliberate verdict of the American people against the practice of polygamy, either as a social institution or religious rite. It would serve as a rampart for the protection of monogamy, the bed-rock of American and European civilization, against the inroads of an Asiatic vice. It would be an authoritative notice to immigrants from all lands that the United States are dedicated to the virtues of monogamy, and, passing as a lesson into the common schools of the country, would form the minds of rising generations in harmony with its ideas and object.

Yours, respectfully,

A. B. CARLTON.
JOHN A. MCCLERNAND.

Hon. L. Q. C. LAMAR,
Secretary of the Interior, Washington, D. C.

APPENDIX.

I.

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, May 2, 1887.

The following letter is published for the information of the registration officers:

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, April 28, 1887.

Hon. C. W. BENNETT:

DEAR SIR: In response to a request by a committee of gentlemen that called on this Commission several days ago in reference to a change of the form of the registration oath which has been furnished to the registration officers throughout the Territory, we would respectfully say that we are not convinced of the propriety or necessity of making such a change, for a number of reasons; among others:

(1) Because we are satisfied that the oath furnished by us is in accordance with the law.

(2) The modifications proposed by you, if equivalent to the language employed by the act of Congress, are unnecessary; and if not in accordance with the act, they are illegal. The law is one declaring the political disfranchisement of the citizen under certain conditions. We hardly need add that such laws, as a rule, are viewed critically and construed strictly by the courts in favor of political manhood.

(3) The request comes at such a late day (the registration beginning May 2), and so long after the printed forms of affidavits to the number of 35,000 have been distributed over the Territory, that the proposed change would occasion much delay and great unnecessary expense.

(4) Plainly, it is not the intent of the law to prescribe any religious creed to the citizen, but to prescribe a rule of action, irrespective of his present or future secret intentions or convictions, or the change of any of them. The oath we have formulated in the terms of the law is but auxiliary to the enforcement of the actual observance of the law and the rule of action prescribed by it; hence, as a conclusion, it is equally plain to us, that whosoever takes the oath and transcends the rule it prescribes by perpetuating a prohibited and punishable crime, thereby incurs not only the stain of moral perjury, but liability to legal punishment for the commission of any such prohibited crime; and this consequence would as logically and necessarily follow the infraction of the form of oath which we have furnished as the interpolated form which has been proposed.

(5) The fact that Congress has prescribed the oath is, in itself, an assumption by that body that the oath will not be vain, but be practically binding upon conscience and useful. Otherwise, why the legal requirement of the oath? Nor is this construction inconsistent with either the municipal or moral law, which respectively presume the honesty and innocence of the individual until that presumption is overcome by competent proof.

(6) Since the interview with the committee at our rooms, we were advised that a written communication was to be presented by the committee, and afterward we received information that it would not be presented. We therefore make this reply, desiring to be entirely courteous to the committee, apprehending that further delay might be misconstrued.

By order of the Commission.

W. C. HALL, *Secretary.*

II.

From Hon. Charles S. Zane.

OFFICE OF THE UTAH COMMISSION,
Salt Lake City, August 10, 1887.

Hon. CHARLES S. ZANE,
(*U. S.*) *Judge 3d District U. T.:*

DEAR SIR: In view of your great experience and eminent service as a judge in this Territory, I beg to ask of you brief answers as matter of useful information to the following questions:

(1) Whether, in your opinion, the existing laws, diligently and strictly enforced, may be reasonably relied on to work the cessation of polygamy as a practice?

(2) Whether any case originating in the commission of the crime of polygamy since the date of the Edmunds-Tucker act has come under your judicial notice?

(3) Whether, in your opinion, the alternative provisions of that act extending the electoral franchise to those complying with their conditions, and denying it to those not complying with them, or who are otherwise disqualified, have materially prompted the present movement for a constitutional inhibition of polygamy?

Your obedient servant,

JOHN A. MCCLERNAND.

To the first question propounded within, I answer, yes.
To the second question, I answer, no.
To the third question, I answer, yes.

C. S. ZANE.

III.

From Hon. William G. Bowman.

OFFICE OF THE UTAH COMMISSION,
Salt Lake, August 16, 1887.

Hon. WM. G. BOWMAN,
Surveyor-Gen. U. S., U. T.:

DEAR SIR: Permit me to inquire whether, from personal and official observation, you are of opinion that the laws of the United States are working with increasing and encouraging effect a reformation of the practice of polygamy in this Territory?

Your obedient servant,

JOHN A. MCCLERNAND.

SALT LAKE CITY, UTAH,
August 17, 1887.

MY DEAR GENERAL: My answer to above interrogation is a decided yes. The change in Mormon sentiment in the last year has been marked and encouraging on the question of the suppression and abandonment of polygamy.

Truly your friend,

WM. G. BOWMAN,
U. S. Sur. Gen'l.

IV.

Letter of Hon. Hadley D. Johnson.

SALT LAKE CITY, UTAH,
September 1, 1887.

To Hon. A. B. CARLTON and Gen. JOHN A. MCCLERNAND:

GENTLEMEN: Your esteemed note of August 17 has been at hand for some days, and after some delay, having been somewhat indisposed, I shall attempt a reply to your inquiry. * * *

You ask me, "What, in your [my] judgment, will be the efficacy of the laws of the United States, particularly the Edmunds-Tucker act, in putting a stop to the practice of polygamy in this Territory" (Utah)? * * *

I have been somewhat acquainted with a good many of the Latter-day Saints, as they call themselves, since the year 1851, at which time I located at Council Bluffs, Iowa, at which time most of the inhabitants of that place and vicinity were of the Mormon faith, and, although never having been sufficiently intimate with them to become acquainted with the inside workings of their "peculiar institution," I have not been unobservant of its outside effects and influences. * * *

The bill introduced into Congress providing for a Territorial government in Utah became a law in 1850, and from that time until 1862 Congress, although doubtless fully aware of the open practice of this offense (polygamy) in Utah, failed to * * * enact any law prohibiting the practice * * * in the Territory. * * *

Even after the enactment * * * of 1862, no efforts of any importance seem to have been made to enforce it for many years, the Mormons claiming and no donbt believing the law to be unconstitutional, and remaining unmolested, * * * continued openly to avow their unlawful practices. * * *

To test the constitutionality of the law of 1862, an appeal was taken to the Supreme Court of the United States, and that tribunal decided the law to be constitutional. * * *

Recently, however, * * * there seems to have been a change in the nature of the efforts to punish violators of the law against polygamy and unlawful cohabitation. By unyielding and determined, yet humane, efforts, the law is now being enforced to such an extent * * * (that) the open and avowed practice of polygamy is unknown here. * * *

But you want my opinion. * * * Therefore, to be more explicit, * * * I will remark, that if judicious, legal, and humane efforts shall continue to be made by those having authority to enforce the laws now in existence, in a spirit of fairness and without apparent or real malice, I am prepared to believe that the "peculiar institution" may be repressed in the not distant future, or, if not entirely suppressed, it will become so unpopular that the younger members of the church will repudiate the system, * * * and that as a tenet of the Mormon church it will become obsolete and fall into a state of "innocuous desuetude."

As you are aware, at the late constitutional convention held in this city, among the provisions * * * adopted by that body was one providing for a total prohibition of the practice of polygamy in the proposed State. There are different opinions as to the good faith of the members of the convention—some people holding that the adoption of this provision was a mere sham, intended to deceive Congress and the people of the States, and by means of this deception to procure admission into the Union of the States, while others believe that the proposition was made in good faith, and that if the State should be admitted the provision * * * would be carried out to the letter. What might have influenced the majority of the convention * * * I, of course, have no means of determining. All that I know is that some of the members were and are sincerely desirous that the system of polygamy should be eliminated from the Mormon church. I say I *know* such to be the case, but, perhaps, it would be nearer the truth to say that I firmly *believe* it. * * *

If statehood should be granted at once, or if those who clamor for a legislative commission succeed in their efforts, the result might be different.

From what I have said you may reasonably infer that I do not think any change is at present desirable in the laws of Congress on this subject. Let the Government persist in a just and vigorous effort to enforce existing laws, and I believe a change will take place for the better—one which will redound to the interest and peace and happiness of the people of Utah * * * and in time, when they become reconciled, they will be permitted to assume and enjoy the inestimable blessings of statehood."

Very sincerely, your friend,

HADLEY D. JOHNSON.

[NOTE.—The author of the letter containing the foregoing extracts was an early and prominent actor in public affairs successively in Indiana, Iowa, Nebraska, and Idaho, and is now and has been for years a resident of Salt Lake City.]